

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
SEPTEMBER 19, 2006

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Jerry Peckumn at 9:00 a.m. on September 19, 2006 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow
Darrell Hanson – arrived at 9:45
Jerry Peckumn, Chair
Donna Buell
Francis Thicke, Vice Chair
Mary Gail Scott
David Petty
Lisa Davis Cook, Secretary

COMMISSIONERS ABSENT

Henry Marquard
David Petty

ADOPTION OF AGENDA

Motion was made by Francis Thicke to move up Item 17 – Bierman et. al. Petition for Rulemaking and Item 22- Subrule prohibiting liquid manure application to soybeans up after public participation. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Donna Buell to approve the minutes of the August 15th meeting. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Liz Christiansen, Deputy Director attended the meeting on behalf of Jeff Vonk.

INFORMATIONAL ONLY

CONTRACT – ECONOMIC IMPACT STUDY OF IOWA RECYCLING INDUSTRY – R.W. BECK, INCORPORATED

Jeffrey Geerts, Program Planner of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount not to exceed \$75,000 with R.W. Beck, Incorporated to complete a study and report on the economic impact of the Iowa recycling industry.

The study objectives include measuring the current economic impacts of recycling activities (collectors, processors, end-users, and recycling equipment manufacturers) on Iowa employment, income and tax revenue. The study will also identify specific recyclable material market development opportunities that maximize beneficial economic impacts upon the state of Iowa's economy. This study is an update to studies completed in 1997 and 2001.

A request for proposals for was issued in July 2006. The purpose of the RFP was to hire a contractor to develop and complete a study of the economic impacts of the Iowa recycling industry and to report on those findings.

Proposal reviewers included:

James Kersten, Private Individual	Jeff Geerts, Dept of Natural Resources
Monica Stone, Dept of Natural Resources	Matt Rasmussen, Dept of Economic Development

The RFP was sent to twenty-six potential applicants and posted on the state's official Web site for notifying targeted small businesses of the proposal request. The following five organizations submitted proposals.

	Applicant	Amount
1	The CAID Group	\$49,800
2	Engineering Solutions and Design	\$67,830
3	R.W. Beck	\$70,600 - \$75,000
4	Skumatz Economic Research Associates	\$74,850
5	Strategic Economics Group	\$75,000

The department chose the R.W. Beck, Incorporated proposal for several reasons, including the following:

- R.W. Beck received the highest overall score from the reviewers.

- R.W. Beck completed the two previous economic impact studies of the Iowa recycling industries.
- R.W. Beck's past experience with the first two studies provides a strong likelihood of being able to compare and contrast the study results and will insure use of a consistent methodology.
- R.W. Beck has the greatest amount of combined recycling industry knowledge and recycling industry economic impact study experience.
- R.W. Beck has completed recycling industry economic impact studies for 13 states and a national recycling industry economic impact study for the Environmental Protection Agency and the National Recycling Coalition.

The funding for this contract comes from solid waste tonnage fees. The Department requests the Commission's approval to enter into a contract with R.W. Beck.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Francis Thicke. Motion carried unanimously.

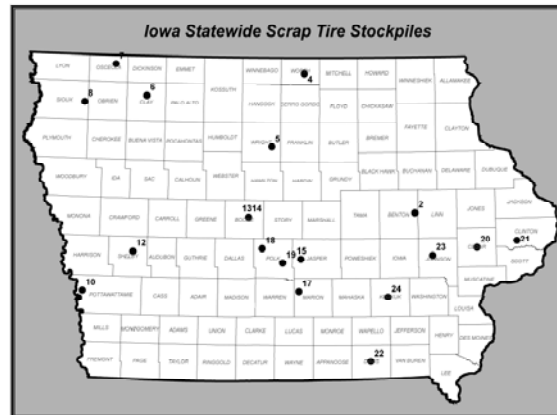
APPROVED AS PRESENTED

CONTRACT– STATEWIDE WASTE TIRE STOCKPILE ABATEMENT – GREENMAN TECHNOLOGIES OF IOWA

Jeff Geerts, Program Planner of the Energy and Waste Management Bureau presented the following item.

The Commission is requested to approve a contract with Greenman Technologies of Iowa for the removal, processing, and marketing of approximately 200,000 waste tires spread across at least 15 waste tire stockpiles throughout Iowa as depicted in Map 1 below. The contract is for an estimated total amount of \$391,850. The amount may vary depending on the actual number of tires abated, site conditions where abatement operations take place, and amount of funding available.

Map 1. Locations of Scrap Tire Stockpiles that May be Abated*



*Abatement work may not take place at all of these sites due to funding constraints, cleanup actions by the property owner or responsible party, or as the result of enforcement actions.

The contract implements the goals of Iowa Administrative Code Chapter 218, “Waste Tire Stockpile Abatement Program,” to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of department contracts.

The Energy and Waste Management Bureau issued a notice of request for proposals (RFPs) in July of 2004 to solicit services from qualified firms for this stockpile abatement project. The RFP was sent to thirty-three waste tire hauling and processing firms in the Midwest. The RFP was also posted on the state’s official Web site for notifying targeted small businesses of the proposal request. One proposal was received. The department believes the receipt of one proposal is a direct result of the relatively small number of tires per pile, the number of piles, and the geographic dispersement of the piles.

Selected Bidder

The Department recommends selection of Greenman Technologies of Iowa’s bid based upon the following factors presented in their proposal.

- The contractor has more than 10 years of experience in the waste tire processing industry.
- The contractor has successfully completed other stockpile abatement projects throughout Iowa and the Midwest, and has extensive references from state agencies and private firms.
- The contractor has completed at least six large tire pile abatement contracts for the department resulting in the abatement of more than 8 million tires.
- The contractor owns the specialized equipment necessary to complete this work.
- The contractor and its affiliated business in Savage, Minnesota have definitive contracts and purchase orders to supply tire-derived fuel to Holcim Cement, Mason City; OtterTail Power Company, Millbank, South Dakota; Northern States Power Company, Eau Claire, WI; the University of Wisconsin, Madison, WI; and International Paper in Quinnesec, MI; as well as others.

- The contractor supplies crumb rubber to several recycled rubber product manufacturers in Iowa including products used for playground surfaces, athletics fields and running tracks.

Stockpile descriptions

The scrap tire piles are located on sites that present a variety of difficulty in accessing the tires for abatement. The department's request for proposal provided definitions for five different types of site conditions as depicted in table 1 and requested that applicants provide a price for abatement work under each type of site scenario.

Table 1. Cost Categories – Based Upon Site Conditions

Cost Category	Site Conditions	Estimated Tons For Abatement	Greenman Bid Price Per Ton
	On site conditions C-E contractor will be responsible for site maintenance to provide continued access to tires for work progress throughout the contract, and <u>rough-grade restoration must be completed by the contractor upon completion of the work.</u> Regardless of the general site conditions as generally described below, the contractor will be responsible for meeting all conditions of the contract as stated within this RFP.		
A	Tires are delivered directly to contractors tire processing operation by land-owner/responsible party.	0	\$118.50
B	Contractor delivers either open topped trailer, or enclosed semi-trailer, to site; land-owner then loads tires, and contractor retrieves loaded trailer. This work may require several trips of trailer delivery and recovery until project is complete. Contractor will be given a maximum one-week per trailer cycle for delivery/pickup. Trailer to be dropped in area nearest the tires to be loaded, subject to necessary restrictions for the proper loading, hook-up, and on-site storage of the trailer.	180	\$162.45
C	Tires stored in large piles on level, flat surfaces, no <u>significant</u> contamination from dirt, or debris; direct access for contractor to load into their trucks or process equipment. This will include tires stored in buildings, or on earthen or gravel surfaces; contractor must account for mud, water, or adverse weather conditions if they occur. <i>(Similar sites previously contracted for by the Department: Rosebar, Vinton; Ervin's, Otho; DeVoe, Chickasaw County)</i>	1,035	\$173.40
D	Tires stored in medium and large piles in areas not directly accessible by roadways. May require crossing of open ground not routinely accessed, may include work in some easy to moderately difficult to access ravines, and the	500	\$192.40

	establishment and maintenance of pathways to and from the pile by the contractor. Some tree and vegetation removal may be necessary. Tires may vary from no debris to packed dirt and mud within the tires. <i>(Similar sites previously contracted for by the Department: McAtee, Jefferson, Bjorensen, Lansing)</i>		
E	Tires stored in scattered piles and rows, within ravines, drainage ditches and other areas of difficult access. Removal of trees and vegetation required. Access to piles and loading will often require assistance of tow-equipment for trucks and/or use of specialized loading equipment. Tracked vehicles will be needed to prepare access to the tire locations. Dirt and debris will be contained within a significant amount of the tires. <i>(Similar work contracted for by the Department: Anderson, Patterson, Baumgarner, and Domino sites in Madison & Warren Counties)</i>	300	\$289.80
Note:	The Department's RFP coordinator retains the sole authority for determining the cost category assignment of a site. Contractors failing to complete timely work at an assigned site within the contract will result in actions by the Department to terminate the contract award, and for the Department to seek appropriate revocation of the performance bond.		

Owner Responsibility in Projects

State law requires that parties receiving abatement assistance must provide a cost share towards the abatement work. The department has negotiated agreements with many of the property owners and responsible parties and will have cleanup agreements in place with all parties prior to delivering abatement assistance. Cost share is being provided in the form of cash as well as in-kind labor that reduces the department's overall abatement costs. For example, if a property owner removes tires from a difficult to access ravine and places the tires in an easily accessed area, that may change the site conditions from a category E to a category D or C resulting in a savings to the department of up to \$116.40 per ton.

The Waste Tire Management Fund legislation currently sunsets on June 30, 2007. Therefore, this may be the last large contract issued for scrap tire pile abatement work. If funding is continued beyond June 30, 2007 additional sites may be abated in the future. For example, the department has recently become aware of a 30-year-old scrap tire stockpile containing an estimated 90,000 – 100,000 tires. That site is not included in this contract due to a lack of funding.

The Department anticipates stockpile abatement will begin in October 2006 and will conclude in March 2007.

Jeff Geerts presented a powerpoint presentation of tire stockpiles in Iowa.

Motion was made by Francis Thicke to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

FY 2008 BUDGET REQUEST

Linda Hanson, Administrator of the Management Services Division presented the following item.

The Environmental Protection Commission's approval is requested for the Department's appropriation submission for Fiscal Year (FY) 2008, which is due to the Department of Management on October 1st. Each Commission has a statutory responsibility to approve the DNR budget request regarding their areas of jurisdiction. The *Iowa Code* provides that the EPC approve the budget request as it relates to the Environmental Services Division, and jointly approve the Management Services Division's request and the Office of the Director's request with the Natural Resource Commission.

FY08 is the third year in which executive branch departments and agencies' budget requests are submitted via the process termed, "Purchasing Results." This process does not follow the traditional method of beginning with a base budget and adding and subtracting decision packages. Instead, it focuses on the results Iowans want from their state government. In theory, the Governor, Lt. Governor and, ultimately, the Legislature become "buyers" of government services on Iowans' behalf while state agencies are acting as "sellers" of these services.

The Purchasing Results process creates a marketplace where the buying team utilizes targeted monies to buy the best "Offers" that will most effectively produce the greatest results.

For all activities the Department proposes to conduct in FY08 with appropriated funds, whether they be new, existing, or modified, Offers must provide a given result that will be evaluated against one another and compete with all other Offers for the dollars allocated to that result.

Each Offer will align with one of the Legislative Budget Subcommittees to achieve results. Those seven Results Areas are as follows:

- Education
- Health and Human Services
- Economic Development
- Justice
- Agriculture and Natural Resources
- Transportation, Infrastructure, and Capitals
- Administration and Regulation

Appropriation Name	FY 08 Request	Change in Request
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General Fund		
Public Lands and Outdoor Recreation	\$ 9,770,980	
Watershed Protection and Restoration	\$ 5,418,783	
Health and the Environment	\$ 3,748,205	
* Livestock Permitting Activities	\$ 650,000	\$ 650,000
* Park Maintenance	\$ 500,000	\$ 500,000
Total General Fund	\$ 20,087,968	\$ 1,150,000
Tobacco Settlement		
State Parks Health and Safety	\$ 1,000,000	
Lake Water Quality Improvements	\$ 8,600,000	
Total Tobacco Settlement	\$ 9,600,000	
Infrastructure		
Iowa Special Areas - Public Private Partnership	\$ 1,500,000	
Lake Darling Shelter		\$ (250,000)
Total Infrastructure	\$ 1,500,000	\$ (250,000)
Environment First		
Resource Enhancement and Protection	\$ 11,000,000	
Marine Fuel Tax		
Capitals	\$ 2,500,000	
Lake Restoration	\$ 975,000	
Air Quality Livestock Attainment Monitoring	\$ 275,000	-
Water Quality Monitoring	\$ 2,955,000	
GIS Data for Watershed Managers	\$ 195,000	
Keepers of the Land Volunteer Program	\$ 100,000	
Park Operations & Maintenance	\$ 2,000,000	
Water Supply Appropriation	\$ 500,000	
Rhodes Tire Reclamation		\$ (50,000)
Total Environment First	\$ 20,500,000	\$ (50,000)
Non-General Fund		
Fish and Wildlife Operations	\$ 35,371,314	
* Fish and Wildlife Revenue Increases (Authority to spend)	\$ 1,000,000	\$ 1,000,000
Resource Conservation (Econ. Develop. Forestry)	\$ 300,000	
NPDES Permit Fund	\$ 700,000	
Groundwater Protection (Approximately \$9.7M is pass-through)	\$ 12,323,000	
UST Administration		
Match	\$ 200,000	
Snowmobile Transfer to Fish & Wildlife	\$ 100,000	

Total Non-General Fund	\$ 49,994,314	\$ 1,000,000
Total Department	\$101,682,282	\$ 1,850,000

* Enhancement Proposals

APPROPRIATION NAME	FY 07 APPROP	FY 08 REQUEST	\$CHANGE FY08 REQUEST OVER FY07 APPROP
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations	\$18,937,968	\$20,087,968	\$1,150,000
Total General Fund Appropriation	\$18,937,968	\$20,087,968	\$1,150,000
<u>TOBACCO SETTLEMENT FUNDS</u>			
State Parks Health and Safety	\$1,000,000	\$1,000,000	\$0
Lake Water Quality Improvement	\$8,600,000	\$8,600,000	\$0
Total Tobacco Settlement Appropriation	\$9,600,000	\$9,600,000	\$0
<u>INFRASTRUCTURE</u>			
Lake Darling Shelter	\$250,000	\$0	(\$250,000)
Iowa's Special Areas - Public Private Partnership	\$1,500,000	\$1,500,000	\$0
Total Infrastructure Appropriation	\$1,750,000	\$1,500,000	(\$250,000)
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement and Protection	\$11,000,000	\$11,000,000	\$0
Marine Fuel Tax Capitals	\$2,500,000	\$2,500,000	\$0
Rhodes Tire Reclamation	\$50,000	\$0	(\$50,000)
Lake Restoration Program	\$975,000	\$975,000	\$0
Air Quality Livestock Attainment Monitoring	\$275,000	\$275,000	\$0
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
Total Environment First Appropriation	\$20,550,000	\$20,500,000	(\$50,000)

<u>NON-GENERAL FUND APPROPRIATIONS</u>			
Fish and Wildlife Operations	\$35,371,314	\$36,371,314	\$1,000,000
Resource Conservation (Econ. Develop. Forestry)	\$300,000	\$300,000	\$0
NPDES Permit Fund	\$700,000	\$700,000	\$0
Groundwater Fund	\$12,323,000	\$12,323,000	\$0
UST Administration Match	\$200,000	\$200,000	\$0
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Total Non General Fund Appropriations	\$48,994,314	\$49,994,314	\$1,000,000

TOTAL	\$99,832,282	\$101,682,282	\$1,850,000
TOTAL DEPARTMENTAL FTE	1142.43	1150.43	8.00

Motion was made by Donna Buell to approve the FY08 Budget as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Jennifer Reutzel of the Energy and Waste Management Bureau presented the following item.

The Department received 26 proposals, requesting nearly \$2.8 million in financial assistance, for consideration during the July 2006 round of funding. Five (5) projects were selected for funding. If approved they will receive \$351,599 in a combination of forgivable loans and zero interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jeff Fiagle and Jennifer Reutzel), Iowa Society of Solid Waste Operations (Don Vogt), Iowa Recycling Association (Gary Brinkmann), and the Iowa Waste Exchange (Matt Rasmussen).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	2	\$29,762	\$29,762
Private For Profit	2	\$310,757	\$40,000

Private Not For Profit	1	\$11,080	\$11,080
RECOMMENDED BY PROJECT TYPE	# Awards	AWARD AMOUNT	Forgivable Loan Portion
Best Practices	4	\$341,837	\$71,080
Market Development	0	\$0	\$0
Education	1	\$9,762	\$9,762
TYPE OF AWARD	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	3	\$40,842	\$40,842
Forgivable and 0% loan only	2	\$310,757	\$40,000
0% and 3% interest loan only	0	\$0	\$0
0% interest loan only	0	\$0	\$0
3% interest loan only	0	\$0	\$0

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information. There are reporting requirements for each contract, so the Department knows what has been done on the project.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

Motion was made by Mary Gail Scott to approve the SWAP recommendations as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – GENOVA TECHNOLOGIES, INC. – IOWA’S WATER POLLUTION CONTROL PERMITS APPLICATION AND NPDS DATABASE UPGRADE

Chuck Corell, Water Quality Bureau Chief of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$70,000 with the Genova Technologies for Iowa’s Water Pollution Control Permits Application and NPDS Database Upgrade.

Background**Iowa's Water Pollution Control Permits Application:**

Department of Natural Resources administers the National Pollutant Discharge Elimination System (NPDES) program under delegation from U.S. EPA. It is a program designed to regulate wastewater discharges into Iowa's water bodies through issuing and enforcing NPDES permits. By federal and state regulations, public involvement during permit development process is required and public access to permits is also required.

Both the permit file review and public comment procedures are not efficient or convenient to the public. Due to the time sensitive nature of public notice and comment period, the public had requested to receive notification of public notices in addition to newspaper publication. Additionally, the public had requested web access to both the permit files and draft permits. However, due to lack of funding, these requests have not been fulfilled.

The permit renewal application manual process is time consuming for both the Department and the permit applicants. Because the applicants typically only work with the application forms every five years, the application forms submitted are often incomplete, even after the Department provided pages of instructions and conducted training sessions at regional meetings around the state. At least 10% of Department's permit writers' time is spent on requesting missing information from the applicants – this is time that could be better spent on drafting and finalizing permits, and providing technical assistance to the permitted facilities.

NPDS Upgrade:

The National Pollutant Discharge Elimination System (NPDES) program is a federal wastewater program delegated to the State. Iowa's NPDES program issues and manages wastewater discharge permits to approximately 1700 facilities. A point of clarification: NPDES is an environmental protection program to regulate wastewater discharges and NPDS is a database system that manages this program.

The current system is a traditional client/server application with SQL Server 2000 as its back end and Visual Basic 6.0 as front end. The application is designed using Windows GUI standards and help files. It also uses standard ODBC to connect and transfer data to/from the database.

This system, among others:

- Is capable of generating NPDES permits.
- Allows for better and easier data entry and management including electronic data entry and upload if the facility chooses to submit data electronically.
- Has more flexible reporting options - The system has a number of customized reports as well as the capability of generating ad hoc reports.
- Has capability to electronically update the US EPA's Permit Compliance System (PCS) database. The interface used to update PCS is compatible with an EPA required format called Interim Data Exchange Format (IDEF).
- Is coordinated with other wastewater program databases.
- Allows for multiple authorized levels of access.

The One Stop database (called “Environmental Facilities Database”) is a data warehouse, which will link all environmental permits in Iowa by facility site. It is in SQL Server with a web front end, and the structure is based on EPA’s Facility Identification Data Standard. (Refer to <http://facilityexplorer.iowadnr.com>)

IDNR is in the process of adding the different types of environmental permits to One Stop. Each type of permit is in a different database. To prepare the NPDS Database Application for integrating with One Stop, NPDS needs to be upgraded to meet the Facility Identification Data Standard and other tracking for One Stop.

IowAccess Grant (State funds) will be funding the Iowa’s Water Pollution Control Permits Application.
STAG Grant (Federal funds) will be funding the NPDS Upgrade.

Contract term will be for a period of six months.

Motion was made by Darrell Hanson to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNIVERSITY HYGIENIC LABORATORY (UHL) FOR STREAM BIOLOGICAL ASSESSMENT

Tim Hall, Chief of Geological and Land Quality bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$380,428 with the University Hygienic Laboratory (UHL) for stream biological assessments. The contract period is from July 1, 2006 – June 30, 2007.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to assess the ecological health of Iowa’s stream resources. The contract covers the final year of the five-year REMAP sampling project including sample collection, analysis, and data reporting for 53 sets of samples from 47 sample sites.

In 2002, the Iowa DNR and University Hygienic Laboratory initiated a stream survey project patterned after the U.S. Environmental Protection Agency’s Regional Environmental Monitoring and Assessment Program (REMAP). The project is providing an objective and statistically powerful survey of conditions in Iowa’s perennial streams and rivers. A stratified-random sampling framework is being utilized to obtain an unbiased sample population from which accurate statements about the status of Iowa’s perennial streams can be extrapolated. The survey is measuring several indicators of stream ecosystem health including: aquatic community composition (fish, benthic macroinvertebrates): fish tissue, sediment, and water contaminants;

physical habitat characteristics; stream metabolic rates (community respiration, primary production).

Questions Iowa's REMAP project strives to answer:

1. How many miles and what proportion of streams have impaired biological communities?
2. How many miles and what proportion of streams are attaining designated aquatic life uses?
3. How many miles and what proportion of streams support populations of game fish species?
4. How many miles and what proportion of streams have fish tissue contaminant levels that exceed human and wildlife health criteria?
5. How many miles and what proportion of streams have sediment contaminant levels that exceed human and wildlife health criteria or guidelines?
6. How many miles and what proportion of streams experience extreme diurnal oxygen fluctuations and levels of primary production that are indicative of excessive nutrient and/or organic enrichment?
7. How many miles and what proportion of streams are biologically impaired by sediment?
8. How many miles and what proportion of streams are biologically impaired by habitat alterations other than sedimentation?

The contract also covers sampling at 2 reference stream sites and 15 stream segments where additional data are needed for watershed project development purposes.

Funding for this agreement is anticipated to be available from the Water Monitoring Program - Environment First Fund. This contractor was chosen for their specialized expertise in collecting and analyzing stream biological assessment data and to maintain continuity and consistency throughout these multi-year sampling projects.

Tim Hall passed out a table of all the statewide monitoring programs that will need approval from the Commission.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – U.S. ENVIRONMENTAL PROTECTION AGENCY – AMENDMENT TO THE SUPERFUND STATE CONTRACT NO. 04-01-IA-A7-01 FOR REMEDIAL ACTION AT THE RAILROAD AVENUE SUPERFUND SITE, WEST DES MOINES

Bob Drustrup, Contaminated Sites Section of the Environmental Services Division presented the following item.

The Department requests Commission approval of an amendment to an existing contract with the U.S. Environmental Protection Agency and West Des Moines Water Works that includes an estimated expenditure in the amount of \$47,900 (the summation of varying annual amounts over 10 years) for the 10% state share of long-term response actions at the eastern portion of the

Northern Plume Operable Unit of the Railroad Avenue Groundwater Contamination Site in West Des Moines, Iowa.

The Railroad Avenue Groundwater Contamination Superfund Site involves contamination that has impacted the West Des Moines public water supply. Two distinct groundwater contaminant plumes have been identified. The site has thus been divided into two sub-sites (what EPA calls operable units) called the Northern Plume and the Southern Plume. The business responsible for the Southern Plume is paying for all costs involved with investigation and cleanup of the Southern Plume. No responsible party has been identified for the Northern Plume; therefore, federal Superfund money is being used to address the Northern Plume contamination, with a mandatory 10% state cost share. This contract amendment addresses the Superfund response actions (i.e., long-term monitoring) to address contamination associated with the eastern portion of the Northern Plume.

Contaminants were those that are used as degreasers. (Chloride solvents, etc.)

Money to pay for this contract will come from the Hazardous Substance Remedial Fund pursuant to Iowa Code 455B.423.

Motion was made by Mary Gail Scott to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

JOINT STATE AGENCY AGREEMENT BETWEEN THE IOWA AGRICULTURAL DEVELOPMENT AUTHORITY, THE IOWA FINANCE AUTHORITY, AND THE IOWA DEPARTMENT OF NATURAL RESOURCES

Patricia Cale-Finnegan of the Water Quality Bureau presented the following item.

Environmental Protection Commission approval is sought for a joint state agency agreement for the operation of the Livestock Water Quality Facilities Program. The agency partners will be:

- The Iowa Agricultural Development Authority (IADA), which will promote the program, develop application materials, work with producers to prepare complete applications, interface with lenders on loan approvals and practice certification, and project loan demand for establishment of set-aside amounts.
- The Iowa Finance Authority (IFA), which will establish linked deposit or other loan participation mechanisms with local lending institutions, process requests for linked deposits and other loan participation, advise DNR on appropriate set-aside amounts and interest rates and terms, and reimburse IADA for costs incurred in program administration.
- The Iowa Department of Natural Resources (DNR), which will establish program and eligibility criteria, verify legal and eligibility status of applicants and approve or deny applications, establish set-aside amounts and interest rates and terms in the Clean Water State

Revolving Fund (CWSRF) Intended Use Plan, and sign off on IADA requests for cost reimbursement.

This joint agency agreement takes the place of a pass-through loan agreement signed in February 2005. Using the pass-through loan approach, by which IADA needed to underwrite direct loans to producers, was unworkable due to issues with loan security. The new agreement allows the use of linked deposit or other loan participation arrangements directly between IFA and local lenders.

The new agreement also accomplishes the purpose of keeping the IADA active in the livestock loan program. IADA's assistance was initially sought for this program because of the agency's expertise in agricultural lending, familiarity with the livestock industry, and close relationships with producers and lenders. IADA provides value to the program that DNR and IFA cannot provide.

Under the previous agreement, IADA's program administration expenses were covered through collection of loan fees and interest. The new agreement provides IADA with reimbursement for administrative expenses since IADA will no longer receive fees and interest payments. The agreement allows up to \$79,875 for the first period (the remainder of fiscal year 2007) and \$111,800 for the second period (fiscal year 2008). These amounts cover personnel, including a new half-time position that will be added along with other management and staff time, travel, supplies, and indirect costs.

This approach, while increasing the expense of administering the program, keeps costs to producers and lenders lower and keeps loan costs consistent among all of the CWSRF non-point source programs. The CWSRF has adequate balances in administrative accounts to cover these additional expenses.

Provided that this agreement is approved, the CWSRF Intended Use Plan will be amended during the next quarter to reflect the changes in the livestock loan program.

Motion was made by Darrell Hanson to approve the agreement as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

DRINKING WATER AND CLEAN WATER STATE REVOLVING LOAN FUND – 2007 INTENDED USE PLANS SECOND QUARTER UPDATES

Patricia Cale-Finnegan of the Water Quality Bureau presented the following item.

Environmental Protection Commission approval of the second quarter updates to the Drinking Water and Clean Water State Revolving Fund Intended Use Plans (IUPs) for FY 2007 is requested. The Commission approved the FY 2007 IUPs in July 2006. The fourth quarter updates include amended lists of projects proposed to receive loan assistance. One supplemental

loan and five new planning and design loans, totaling \$2.2 million, are being added to the Drinking Water SRF IUP. Requests for seven new wastewater construction projects, three supplemental loans, and eight planning and design loans, totaling \$36.1 million, are being added to the Clean Water SRF IUP.

In addition, the DWSRF IUP update includes proposed criteria for a disadvantaged community program. The federal law and regulations that govern the DWSRF program allow extended financing terms for applicants deemed disadvantaged. The proposed criteria are based on those used by the Iowa Department of Economic Development's Community Development Block Grant (CDBG) program, since a majority of DWSRF projects are co-funded with CDBG. Receiving disadvantaged designation will allow applicants to receive financing for terms up to 30 years (versus the current 20 years), depending on the projected useful life of the facilities.

These criteria will also be applied to the new wastewater grant program enacted by the Iowa Legislature to assist small, disadvantaged communities impacted by new water quality standards. That program is administered by the Iowa Finance Authority, which has issued draft rules.

A public meeting on the IUP updates was held August 10, 2006. No oral comments were received during the public hearing portion of the meeting. The public comment period ended on August 17, 2006. No written comments were received during that period. No changes have been made to the proposals.

Motion was made by Francis Thicke to approve the SRF Clean Water loan fund – 2007 as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

DAVE SEIL, farmer from Gowrie Iowa addressed the application of manure to soybeans.

I did some brainstorming on this topic. Soil organic matter has a carbon nitrogen ratio between 9 and 12 to 1 ppb. The corn stover will absorb nitrogen and it will not leach. Nitrogen tends only to be fixed when still nitrogen quantities are efficient. Nitrogen applied to land going to soybeans does not at risk of being lost. Farmers need flexibility to apply manure to land going to soybeans. If you are applying manure to land going to soybeans, you will have stocks there are residue, therefore reducing the rate of soil erosion. I am asking you to let ISU finish their research and publish it. Don't make public policy decisions on unpublished science. Look at ISU recommendations.

MARY WITTRY, Director of Carroll County Solid Waste Management. At the August meeting many comments were made about the proposed Chapter 113 rules. Why was a new rule needed and the process used to get to the rulemaking. We did request a meeting with DNR staff to resolve some of the problem areas. As of today, that has not been done. We have been told that will not happen until the responsiveness summary is being prepared which is after the public hearing sometime in 2007. DNR staff reported at the last ISOSWA meeting held on Friday, September 8th that internal changes are still being made to the rule and that the rule will come

before the commission at the November meeting as an action item. As I look back at previous rulemakings that have effected solid waste facilities such as comprehensive planning, appliance demanufacturing, and financial assurance. The process used was very different. Advisory groups were formed which provided valuable input throughout the process before any final draft rule was taken before the EPC for action. This is not to say there were not differences of opinions during these meetings but there was a level of participation and buy in from the regulated communities. I would appreciate and urge you to work with the small group now, as it is not too late to make additional changes to the rule prior to the November meeting.

JUDY HIEGIRICH, citizen from Mount Caramel stated her concern for the 2,400 head hog confinement proposed to locate directly 1 mile south of our town. Its home to over 100 residents. Our community consists of people retired and young families. I would like to submit a petition of 500 signatures all voicing their concern of the proposed site. Our concerns are about three issues: air quality, hog unit operator track record, and the manure management plan for the site. First off, we realize that there is no regulations for airborne pollutants. However, since scientific studies and consensus, specifically the February 2002 Iowa Concentrated Hog Feeding Operations Air Quality study had determined that ammonia hydrogen sulfide had public health hazards. We encourage the EPC, DNR and the state lawmakers to consider the air quality issues. We are particularly concerned with toxicons generated from hog confinements as they reach communities. Our town has at least five citizens already that suffer from respiratory ailment. We are concerned as well that we do not know who will be operating this facility. What is their track record with DNR and compliance? Are there any violations? I want to focus our concerns on the manure management plan for this 2400 head hog facility. We feel that the MMP, as a town, should be rejected for the following reasons:

KIM LEE, citizen from Mount Caramel gave the following reasons for rejecting the MMP: There is a questionable track record concerning the involved parties. Stone Path and Joe Halbut were penalized by the DNR for not submitting an annual update to their MMP in 2003. They have not proven themselves as good neighbors. We need people who will farm this land responsibly, rather than threatening its environmental security.

Six of the ten fields are considered highly erodible. That's 212 of the total 378.4 acres. This means over half of the designated land for manure spreading is within this classification of highly erodible. Spreading manure on highly erodible lands increases the risk of water pollution.

The estimated yields are too high. Highly erodible land has significantly lower yields than the average county yield. The yield used to calculate the acres needed for spreading manure was based on the average county yield plus 10%. We believe this number is too high considering the high percentage of highly erodible fields. If they are taken into account, a significantly larger number of acres would be needed for the spreading of manure. Stone Path's basic manure application of 183.5 bushel yield, when actually it is much lower. The NRCS information states that there is no way a bushel yield could be 183.5. The average is 154 per acre according to NRCS. Two fields were only 130 and 139 bushel yield. There are some fields as high as 53 bushel acre difference. They are proposing to spread more manure on their land than what their crops will allow. Therefore, this land will be contaminated by excessive manure.

Stone Path failed to request a determination of alluvial soils, when in fact; there are potential alluvial soils very near the planned site for this facility. As you can see on the map, it has been penciled in between these two areas, but that doesn't seem to fit the scale of the map. The presence of alluvial soils could indicate that the facility will be located in a flood plain, posing a threat to our water. We believe they should be required to have the DRN test that land for alluvial soils.

AL KOREN, citizen from Mount Caramel gave the following reasons for rejecting the MMP:

The proposed site is very near a high water table at a depth of less than six feet. A high water table increases the risk of groundwater contamination. The map shows the areas of high water table. We are requesting that the DNR test and determine the water table levels. This needs to be done prior to construction.

Liquid manure will be spread on soybeans. Data suggests that this can cause higher levels of nitrates which then drain into our water, and top DNR staff has said that manure should not be applied to a crop like soybeans that has the ability to fix its own nitrogen from natural resources. There are 35.1 acres of soybeans planned for manure application.

The total Nitrogen estimate is too low. The DNR's Appendix to the Manure Management Plan Form suggests that finishing swine liquid manure in a pit releases 58 lbs of manure per 1000 gallons. The manure management plan calls for only 56. The difference of 2 pounds creates over 1175 extra pounds per year, requiring almost 1000 more bushels of corn over which to spread manure each year.

ANN SCHMITZ, citizen from Mount Caramel continued to give reasons for rejecting the MMP:

The site is located within the Storm Creek watershed. This creek, a tributary of the Raccoon River, has been compromised several times in the last year by manure spills resulting in fish kills. We don't need any more manure threatening the water in this area.

TAMMY MURRAY, citizen from Mount Caramel said that the area is a great place to raise her two young children.

We have 570 signatures on a petition stating that this site is too close to our communities. There needs to be more regulation on distance. We ask that you delay construction until the requested tests can be done.

JOHN EVANS, citizen from Mount Caramel asked if the DNR can come out and do the requested testing before construction begins. (testing the water table and alluvial soils) Do you have the authority to reject or accept the manure management plans on these hog confinements?

In section 455.A(2) of the Iowa Code declares the DNR's mission to protect the environment, natural resources, waters and lands of the state. To fulfill this mission, the DNR can deny construction permits even if the application proposed for the large scale operation meets all of the legal requirements.

There are inconsistencies in the application about water pollution that have not been addressed. It seems to us that no one has control over this issue.

MARTY MURRAY, citizen from Mount Caramel said that they have generated about 570 signatures within two weeks. We have only been informed recently. What's the next step?

SUSAN WEST, from Fairbanks Iowa stated her concern with liquid manure application to soybeans. I would encourage you to ban all nitrogen on soybeans. DNR studies show fecal bacteria, nitrates and phosphorus in the manure. Soybeans can fix all the nitrogen they need from the air or soil. ISU studies show increased nitrates in the water and tile lines where nitrates had been applied to soybeans. Iowa is number in conservation efforts but last in water quality. We spend a lot of money on conservation and cleaning up messes, but we are still last in water quality. Something is working here. We have studies that indicate too much nitrogen is a big part of the problem. Some crops need it absolutely, but why apply when it doesn't need it. Some of it ends up in the water. Banning all nitrogen won't solve all of our pollution problems, but it is a step in the right direction. Please pass this rule as a common sense rule.

ROSEMARY PARTRIDGE, ICCI member submitted the following comments:

Iowa CCI members strongly oppose the application of manure on land that will be plants to soybeans, and are urging you to vote "yes" on a complete ban of this practice and move forward with the rule-making process on this issue. This common sense move would help protect Iowa's water from an unnecessary threat. Anyone who is in favor of clean water and sensible farming should be in favor of this rule.

Applying manure to soybeans does not make sense agronomical, economically or environmentally. Soybeans are nitrogen-fixing plants, which means that they can obtain their nitrogen (n) from the air rather than the soil. Because of this trait, soybeans show little or no yield response to applied N. Applying manure or fertilizers reduces the ability of legumes to fix nitrogen, thereby shutting down nature's own non-polluting "fertilizer plant". Top DNR staff has said that manure should not be applied to a crop that has the ability to fix its own nitrogen (legumes). Clearly, applying manure to ground going into soybeans does not make sense agronomic ally.

Economically, applying manure to fields that are being planted into soybeans is a waste. Manure contains valuable plant nutrients; however, when applied to legumes such as soybeans, the n component is being waste. It makes far more economic sense to apply manure to a crop such as corn that responds economically to applied nitrogen. Manure is being treated as a waste rather than a valuable nutrient when applied to soybeans. Applying manure to land going into soybeans is a waste of natural fertilizer.

Applying manure to soybeans is poor agronomics and economics, and it is poor environmental stewardship, as well. Data shows that applying manure to soybeans can increase the likelihood of nitrate runoff into Iowa's streams and rivers. Nitrogen, a potentially valuable nutrient, becomes a pollutant when excess nitrates flow into our waters. Iowa already has some of the

dirtiest water in the nation. Factory farms should not be allowed to apply manure in a way that threatens Iowa's water quality.

We urge the EPC to vote for a ban on the application of manure to fields that are intended for soybeans. We need sensible practices to clean up Iowa's endangered waters. This ban is a step in the right direction and should be followed up with enforceable rules.

HAL MORTON, representing Des Moines County Regional Solid Waste Commission addressed Chapter 113. At last month's meeting, DNR staff led us to believe that it was EPA's directive to move forward with this rulemaking. I have continued to challenge that as a basis for discussion on this proposed rule. At our ISOSWA board meeting, DNR staff made the comments that this rule is not being advocated by EPA but rather that is a rule desired by DNR and feels that it should be implemented. That is a significant shift on the basis for this rule proposal. At the August meeting, there seemed to be a large gap between DNR and the regulated community on what needed to be changed and where these rules are headed. Industry was asked to create a small technical work group to meet with the DNR on these issues. We saw this as a positive step but that has been postponed until after the rulemaking process. I feel that several components within the draft rule would have joint support by the regulated community if they were proposed as small incremental changes to the existing rule Chapter, which is approved by EPA. Most facilities are complying but the problem lies with the few facilities not in compliance. I would encourage the EPC to direct or prod the DNR to redraft the rule that could broaden support.

SCOTT SMITH, representing Boone County Solid Waste Agency said that he supports Mr. Morton's comments.

The Statewide Waste Tire Stockpile Abatement contract, as approved by the Commission today, has been a great program for cleanup in the state.

This Saturday is Keep Iowa Beautiful first river clean up event. We will be educating folks on water quality.

We still haven't seen the final version of the Chapter 113 rules. We have been told that they are in draft. We had a version at the end of June, but now we are being told that we won't see the final version. We are trying to hit a moving target.

CHRIS PETERSEN, President of the Iowa Farmer's Union said that he supports on the ban of liquid manure to soybeans. Here are my reasons: Most family farmers have enough common sense to put liquid manure to corn. Why waste it. The problem is the commercialized CAFO industry which has high penetration of hogs in Iowa. They are all about money and not about the environment. They have way too much manure and are full it. The CAFO industry wants legalized dumping. Most family farmers have used nitrogen in the past, but common sense needs to prevail. All liquid manure should be injected. That's the best thing you can do. Only 1% of farmers would be affected by this rule. I appreciate your thoughts and concerns on this.

VLADIMIR RYDZOVSKY, representing J.R. Appliance asked what the laws are in retrieving and recording contaminants. What is the fine or penalties if they do not report or send in their PCBs or mercury? What is the violation? If there isn't anything then we do we have to report and pay for proper disposal if other's are not? I can't compete with that. Some businesses have stated that they have no PCBs or mercury, in four years there is no way that can be true! I have heard that there is no money for enforcement but it makes us unable to be in business.

JACK TROEGER, ICCI member from Ames said that he taught earth science for thirty years. I am an earth hugger! I have always wanted to understand the soils on earth. I know something about my passion. I still study everyday about earth. It is important to me that we work to be the most intelligent species that we think we are. In this particular issue, vote to prohibit the use of liquid manure to soybean. I love this state! It is absolutely imperative that we stop trying to control earth and turn around, look in the mirror and start controlling ourselves.

DAVE STRUTHERS, hog farmer from Collins Iowa said that his father put up the first pitted furrowing building in the state. It is still in use today after a few remodels. He had the first liquid manure vacuum spreader. We have 24 hoop buildings on various sites around Marshall and Story County that my brother and I live. We have liquid manure from those confinements. Our confinements are basically just sow housing, breeding, and just action. The nitrogen coming off of the furrowing justification is very low in than percentage compared to finishing. Phosphorus and pot ash are much higher per gallon in our tests of that. Reason being is, with sows being feed the amount of nitrogen being excreted is lower. Also, with the power washing done between each group of furrowing there is a lot more waste water than actual fecal matter. The letter that Mr. Gieselman sent out, the last two sentences said that the "department suggests establishing a steady group composed or produced environment interests along with department staff to make implementation recommendations for future commission meetings." If you go ahead and proceed with searching out whether you should ban liquid manure application. I want to make sure that something is done. If you adverse conditions and rainfall, nitrogen is not the only nutrient source in that. In our situation we would have more pot ash and phosphorus in our liquid manure per gallon, which is something our soybeans need. There is more than just nitrogen in manure, there are other nutrients needed.

RICKY MACKE, from the City of Sioux City submitted the following comments:

Background: In 1993 a Phase I and II investigation of the AC Rochester facility was undertaken. Those investigations identified the presence of industrial solvents in both the soil and more importantly the ground water. The City of Sioux City derives its Public Water Supply from both the Missouri Alluvium and Dakota Sandstone ground water formations. With the identification of these contaminants in the ground water the Iowa Department of Natural Resources required additional sampling by the owners of the AC Rochester facility. General Motors, the owners of the facility, implemented additional studies of the area. It soon became apparent that the ground water contamination was impacting the City of Sioux City's public water supply.

The City of Sioux City has worked closely with General Motors (GM) and the Iowa Department of Natural Resources to address this problem. In 2001 the City offered to pump one of their production wells to waste in an effort to protect the majority of its water supply. That well is still

pumping to waste as of this writing. It is doing the majority of the work to protect the City's water supply. However this effort is not totally effective and contamination is present in several of Sioux City's municipal wells. This contamination is present in individual wells at levels that exceed the Maximum Contaminant Levels (MCL). It is only through blending that Sioux City is able to avoid providing water with these contaminants above the MCL and a notice of violation letter from IDNR. The water the City is providing to there customers does contain low levels of these contaminants.

That is where our interest in a timely solution to this sites problems are focused. General Motors has had several consent orders that they have agreed to. IN fact they established the dates for the start up of the remediation systems that were incorporated into those consent orders. Yet we are here today to once again discuss that these dates have not been met and the necessity of adhering to the timelines established in the current consent order.

With contamination in several of Sioux City's wells and concentrations above the MCL in one of those wells, the possibility for a violation to the drinking water standards exists. Sioux City has in the past been under a consent order for water quality issues. Sioux City was held to the standards of that order and paid the fines imposed for failure to comply with the rules and that penalty was made one of the terms of the order. Sioux City does not want to be put in that position again, especially through not fault of our own.

Support Requested: The City of Sioux City request that this matter come to resolution. GM has not meet the deadlines in the consent order and the subsequent two dates, all proposed and agreed to by GM. IDNR has incorporated these dates into formal enforcement action against GM through the consent order. It is apparent to the City of Sioux City that GM refuses to meet the terms and conditions of the Consent Order and that the IDNR has no further administrative mechanism to achieve compliance. The City requests the matter be referred to the Attorney General for enforcement action.

General Motors has paid us \$900,000 and for the costs to maintain the wells. We still have contamination in our other 14 wells. According to our testing, contamination appears to be spreading in the groundwater tables.

NEILA SEAMAN, representing the Sierra Club respectfully asked the Commission to deny any portion of the petition that would prohibit the application of manure (liquid or otherwise) to soybeans. Nitrogen is already in the soil. If too much is applied, then the extra could leach into our water supply. we all know that manure contains phosphorus, bacteria, sometimes antibiotics and other components that can impaired water quality. Applying manure to soybeans can have little to no increase in crop yield. However, applying manure to soybean fields could cause an increased risk to our waters. We have come a long way in the last few years to increase our water quality. Iowa produces tons of manure and we do need to find ways to dispose of it, but applying it to fields that don't need it amounts to nothing.

ELDON MCAFEE, representing the Petitioners for the Bierman Rulemaking. There are two parts to the petition. The first part talks about changing some rules that have not been changed since 2002 legislation. There is a discrepancy with Iowa Code and the Rules. The DNR rules

are wrong and have been since 2002. We urge you to move forward to adopt the rules so they are consistent with Iowa Code.

We also asked that you adopt a rule, not to ban manure on soybean fields. If properly applied, there would be no environmental concern. An across the board ban denies the research that shows there is a yield increase. There are reasons to put manure on soybeans. That option should not be taken away from our producers. Our petition asks that you reduce the amount used in DNR calculations in MMPs for nitrogen per bushel to be reduced from 3.8 to 3.14. We ask you to adopt that or something similar that recognizes the current research. A total ban ignores a very valid reason for manure to be applied to soybeans. It also ignores that when manure is properly applied it isn't an environmental concern. You have to apply manure based on need to avoid phosphorus build up.

LISA WHELAN, member of ICCI said that they would like to see the DNR air monitoring efforts to continue. The information needs to continue to be released to the public. It's good information.

We are interested in DNR's plan to rotate the sites that are being monitored. DNR has been collecting data for three years at the same sites. What is the plan to get information from other sites?

-----End of Public Participation-----

Wayne Gieselmann made follow up comments on public participation:

- ❖ Tammie and I will be visiting Mount Caramel tomorrow to visit the area. This facility is 2,400 head. It does not require a permit for construction under the law. Not sure about the alluvial soils concern. Dan Olson and Dan Stipe from the field office will be at the site tomorrow as well. Part of the statute deals with separation distances between the bottoms of earthen basins and high water tables. If this were a permitted facility, under the statute we would not look at the level of high water under a concrete structure. We do not have the staff or resources to test any of the sites. If these were a permitted facility, and there was a concern of the high water tables, the applicant would be responsible for taking the tests. The Department has 30 days to review the MMP and then deny or approve it.
- ❖ I am not aware of any Fish kills at Storm Creek but we can discuss that more tomorrow.
- ❖ Solid Waste – The DNR attended a 2 hour meeting with Solid Waste folks. I still intend to put together a small group as I mentioned at last month's meeting. We do keep changing the rule as more issues are brought to our attention. We haven't even begun the rulemaking process yet. We will try to reach as much consensus as we can, but we need to come to some closure so we can send the rules out for comment.
- ❖ We will at some point have a solid waste presentation that shows the responsibilities of this section.

Dennis Ostwinkle, Supervisor from Field Office 6 gave the Commission an update on Gary Jasper. Gary requested a test on a well near his sister's property. The test did not show any

contaminants. The well was not used for drinking water. It was used to irrigate the garden. We did speak with Gary while we were at the site. We do not have results of the soil samples yet.

Darrell Hanson asked if the results from the soil samples could be e-mailed to the commissioners.

Dennis Ostwinkle agreed to do that. We do inspect sites. There is only one staff person per field office that is available for testing and inspecting. We receive and handle about 100 complaints a year. We need more staff in solid waste.

Curt Leitz said that they inspect the appliance demanufacturing businesses about once a year. That may be dropping since complaints are rising every year. At least one of 44, failed to submit their annual report for activity in 2005. A notice of violation was submitted by the central office. I inspected the facility. The gentleman did have disposal receipts from disposing of PCBs and Freon. He did not have mercury, so that was a problem. We do compliance coaching. After the 1st Notice of violation, we send them a rule book and the steps to get into compliance. If the same violation is found again, enforcement action is the next step. We will now inspect a site when the permit comes up for renewal, which is every three years, unless a compliant comes from the public. The new reporting requirements will be a very itemized list. It can be a red flag to initiate an inspection.

Dave Sheridan said that he would like to discuss pending referrals and proposed referrals and ask that you go into closed session under 21.5(1)(c) of the Iowa Code.

Motion was made by Francis Thicke to move into closed session to discuss strategy with counsel for the Department on a matter that is presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the Department in that litigation. Seconded by Sue Morrow. Motion carried unanimously.

The Commissioners went into closed session.

1:45 APPOINTMENT - ROQUETTE AMERICA, INC. (KEOKUK) – AIR QUALITY

Kelli Book presented the following information.

Roquette was issued a construction permit for EP 59-3 and EP 59-4 in August 2004. These permits had testing requirements to demonstrate compliance with the permitted emission limits. Seven different stack tests had to be done by February of 2005. They were not done until June 2006. Among the 14 tests they were to conduct, nine of them failed. The emissions for particular matter, PM₁₀, SO CO, VOC and NO_x. Those were the pollutants detected. The test results were substantially over what they were permitted at. They were permitted at this level, due to Roquette's request to try and stay out of PSD. (Prevention of Significant Deterioration) It's a federal program to ensure air quality. They have stated that they will re-test these just this past Wednesday. They will be testing for EP 59-3 and 59-4, but in the mean time we are left with the facet that it took them so long on the initial testing and the fact that they failed several. They should have gone through PSD. They have been issued a notice of violation requiring

them to go through PSD. EPA has said that even if they test in compliance on Wednesday, we still need to consider the previous violations. There was a minor violation in the stack testing deadline. We received those about 3 weeks late.

Another emission unit is EP 19-1. The permit was issued in March 2002. There was stack testing requirements for PM. The last possible date that they could test and still be in compliance would be September 9, 2005. They are testing that tomorrow for the first time. They continue to be out of compliance there. There were previous violations that were brought before the commission about two years ago for referral to the Attorney General's office. There was a substantial penalty paid at that time.

This company receives several construction permits a year. They are well aware of testing requirements. We ask that Roquette America be referred for the stack testing violations and the emission limit violations.

They have submitted a Title V permit application in a timely manner. It has not been issued because there is ongoing litigation regarding confidentiality of certain parts of the Title V permit. We are waiting for that to be resolved.

John Fratus, Senior Director of Regulatory Affairs for Roquette America, Inc. in Keokuk, Iowa presented the following information.

Roquette is a family owned facility since 1991 when it was purchased from the H.J. Heinz Company. Roquette produces corn starches, syrups, polyols and corn by-products. Roquette employs a total of about 350 people in Southeastern Iowa and is one of the largest employers in Keokuk.

My principle objective today is to request a two month delay in the referral of the matter to the Attorney General. I recognize that there are a number of serious allegations referenced in the litigation report prepared by the IDNR, however, we believe that additional emission test on the equipment, that are being conducted this week, will resolve the IDNR allegations concerning failure to obtain a PSD permit and failing to demonstrate compliance with permitted emission limits.

At this time I do want to provide the Commissioner with some additional background on the feed drying modification raised as an issue by IDNR. On May 11, 1998, Roquette advised the IDNR, in writing, of our intention to modify our feed drying process to improve the thermal efficiency and at the same time reduce emissions from the process. All of the proposed equipment changes were outlined in this letter along with a project schedule. Within this same letter, Roquette noted that the emissions from the feed drying system would decrease or stay the same and consequently this modification qualified for a permit exemption under 567 IAC§ 22.1(2)(g).

In September of 1999 Roquette commissioned post modification performance tests of the feed drying system in order to demonstrate to the IDNR that this modification did not result in an

increase in emissions. These tests were witnessed by IDNR and approved by the agency. The results of the 1999 performance tests confirmed, as we expected, a decrease in NO_x, PM, PM₁₀ emissions and at worst, no change in SO₂ emissions.

In July 2003 the IDNR requested that Roquette demonstrate that changes to the feed drying system did not cause a net significant emissions increases for any pollutant. Specifically, Roquette was instructed to prepare: 1) an “actual-to-potential to emit” emissions analysis; and 2) an analysis of debottlenecking to evaluate all actual increases in emissions for other emission units due to the dryer system changes. Within 30 days of receiving the IDNR’s request, Roquette submitted these analyses which supported the companies position. Roquette subsequently responded to supplemental requests for information requested by the IDNR on December 3, 2003, April 8, 2004 and July 27, 2004. Although Roquette continued to assert, with sound technical authority supporting our position, that the permit exemption under section 22.1(2)g was still applicable, amended feed drying system permits were issued to Roquette on August 10, 2004.

The two amended feed drying system permits were issued by the IDNR based upon actual production rates and performance test results. We believe it is critically important for the Commission to understand that when the dryer system permits were issued in August 2004, the IDNR had, once again, validated the fact that the project did not trigger PSD permitting based on the 1999 emissions test results which demonstrated that the drying system modifications did not cause an emissions increase. Consequently, the Department’s allegation that based upon the July 2006 emissions test data the facility failed, in 1998, to obtain a PSD permit for the modification is wholly unsupported by the facts, because 1999 test accurately represent the post modification conditions. Therefore, we do not believe that there is a basis for referral to the Attorney General relative to what we see as the most serious allegation in the IDNR’s litigation report, Allegation I.c. “Failure to Obtain a PSD Permit Prior to Initiating a Major Modification.”

Roquette contends that there are problems with the July 2006 emissions test results and that Roquette promptly scheduled retesting of the feed drying system to take place on September 21st. We are continuing to work to determine the cause of the unexpected July 2006 emissions test results, but at this time, a system malfunction of abnormality appears to be the only plausible explanation. Roquette has called in an independent contractor that it regularly employs to inspect, and most importantly tune, the burners on the drying system. We believe that the results of this week’s re-test, which will be available within 2 months, will resolve Allegation I.b. “Failure to Demonstrate Compliance with Permitted Emission Limits” and remove the need for referral to the Attorney General on this allegation.

We think it important to note to the Commission that on September 9, 2004, through a letter to the IDNR, Roquette sought to eliminate the emissions test requirement in the amended permits. The rationale being Roquette’s request to remove the testing requirement was that these permits were actually based upon post modification stack testing, witnessed by IDNR, thereby eliminating the need to repeat the tests. In our view, this issue was never resolved. However, Roquette does not dispute Allegation I.a. “Failure to Perform Stack Testing Required by Construction Permits” in that the amended permits issued in August of 2004 included a requirement to emission test the feed drying system. Roquette also does not dispute Allegation

I.d. "Failure to Submit Stack Test Results" that it failed to timely comply with the requirement that the stack test results be submitted within 60 days. Roquette does not believe that these two allegations, on their own, warrant a referral to the Attorney General.

Confusingly, the IDNR's own Notice of Violation on this matter gives Roquette Until September 28, 2006, or one month from Roquette's receipt of the Notice of Violation to respond. The IDNR, however, seeks to refer this matter to the Attorney General before the allotted time period given in the Notice of Violation has even expired. The IDNR's effort to prematurely refer this matter today, if for no other reason, is wholly inappropriate in that it places Roquette, and other companies regulated by the IDNR, in a precarious position of not knowing if they in fact have the time expressed in the Notice of Violation for responding or if they will be threatened into some other course of action because of an intervening referral to the Office of the Attorney General.

Again, Roquette believes that it should be able to resolve, within the next two months, what are likely considered by the IDNR to be the most serious of the allegations of non-compliance with applicable air pollution control laws. Specifically, those being the allegations of: 1) failure to demonstrate compliance with permitted emission limits 2) failure to obtain a PSD permit prior to initiating a major modification. Because we believe that the September 2006 emissions test results will demonstrate that emission levels of all measured pollutants are comparable to those of the September 1999 emissions test we urge the Commission to delay referring this matter to the Attorney General for at least 60 days. This will allow the testing complaint the time to retest the units, analyze the results, prepare the test report and convey copies to Roquette and the IDNR. The 60 days should also provide sufficient time for discussions with the IDNR staff on the emission levels. A delay in the referral will simply allow time for additional data to be gathered, analyzed and then discussed with the IDNR. Should the performance test data prove conclusive of emission levels in-line with levels in the permit then the referral would have proven an unnecessary expenditure of limited state resources.

I do not believe this is the appropriate forum to address each and every claim that the IDNR has against Roquette America, I simply want to convey to the Commission that this may not be the most appropriate time to refer this matter to the Attorney General as it is Roquette's position that not all of the determinative data has been collected. I respectfully urge you to delay this referral for a minimum of 60 days.

In closing, I want to reiterate that Roquette America appreciates the opportunity to address this Commission, we continue to work cooperatively with the IDNR. I also want you to know that Roquette takes very seriously in its responsibility for protection and stewardship of Iowa's and the nation's environment.

Darrell Hanson asked the reasoning for late reporting.

John Fratus said that we have no reasons for reporting late.

Mary Gail Scott asked about the exemptions.

Kelli Book said that DNR never once said that they were exempt. Roquette assumed that they were exempt.

Chris Roling with DNR went over the consent orders.

John Fratus said that they have people come in twice a year to tune their burners. There are no defects in the system that we know of.

Motion was made by Darrell Hanson to refer Roquette America to the Attorney General because of late testing, late submission of test results and the number of NOV's issued. Seconded by Lisa Davis Cook. Motion carried unanimously.

REFERRED

SNF, INC., DBA BRAND FX BODY COMPANY (POCAHONTAS) – AIR QUALITY

Anne Preziosi, Attorney with the DNR presented the following information:

The department seeks referral of SNF, Inc. dba Brand FX Body Company to the attorney general for appropriate enforcement action, due to violations at its Pocahontas Iowa facility. Brand FX has failed to comply with 40 CFR 63, Subpart Mmmm, National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Miscellaneous Metal Parts and Products.

Brand FX manufactures fiberglass truck bodies. Air emissions equipment at the facility include: resin, gel coat, and paint spray booths; grinding booths; welding equipment, a boiler; and a dust collection system to capture dust from two saws used to cut and notch extruded fiberglass.

On September 28, 2005, Brand FX submitted a Title V permit application stating that the Pocahontas facility was out of compliance with NESHAP Subpart Mmmm. The Subpart Mmmm requires that cap emissions be limited to no more than 1.9lbs of organic HAP per gallon of solids. The rolling 12-month organic HAP emission rate for August 2004 through July 2005 was 8.04 lbs organic HAP/gal solids.

The Pocahontas Brand FX facility is considered a new source for purposed Subpart Mmmm because the facility began operating after August 13, 2002, the proposal date for Subpart Mmmm. Brand FX became subject to 40 CFR 63 subpart Mmmm in September 2004.

Brand FX started to report on a regular basis to the DNR. On October 31, 2005, DNR received notification of compliance status stating that the facility was not in compliance. October 2004-September 2005 was 7.20 lb organic HAP /gal solids.

Six months later the semi-annual compliance report was for January 2005- December 2005 was 7.18 lb organic HAP/gal solids.

The DNR sent a NOV to Brand FX for failure to comply with NESHAP. The NOV required the facility to be submitting monthly compliance reports, including the most recent rolling 12-month organic HAP emission rate and an update on the steps being taken to bring the facility into compliance.

On March 30, 2006 the rate for March 2005-February 2006 was 7.14 lbs organic HAP/gal solids.

On May 1, 2006 the rate for April 2005-March 2006 was 6.88 lb organic HAP/gal solids.

On June 1, 2006 the rate for May 2005- April 2006 was 6.70 lbs organic HAP/gal solids.

On June 30, 2006 the rate for June 2005-May 2006 was 6.47 lbs organic HAP/gal solids.

On July 26, 2006 the rate for July 2005-June 2006 was 6.53 lb organic HAP/gal solids.

Brand FX has attempted to research and test new products and as you can see their lbs has begun to reduce emission levels. The progress has been slow and the facility is expected to remain out of compliance for a long period of time.

Darrell Hanson asked if the drop in lbs per month is because of into compliance or for other reasons.

Nina Harma, Environmental officer for Brand FX said that there are two facilities in Iowa. We manufacture fiberglass truck bodies. The truck parts are primed and painted in our standard color black. We build parts in one location and ship them over to the other one for finishing. Because of this, we require the same products to be used in each facility. This insures that we maintain our quality standard. Since the facility in Sioux City is much smaller than the other one, we can not install a bake oven for faster dry times or a wash booth for service preparation. Our current practice for service prep is taking a rag with cleaner and wiping the substraight. The paint suppliers and manufacturers do not supply us with regulatory information in regards to the HAP standards. In September 2005, I developed a tracking spreadsheet and found that we were not in compliance with the HAP standard. I informed management. In Sept. and Oct. we held meetings with current paint suppliers to bring in compliant materials. In Oct 2005 Diamond Vogel came with a primer. It was compliant but the dry time was not acceptable and we needed to purchase a mixing system. In Nov. 2005, BASF came out with compliance primer but the color was gray and we needed it to be black. They would not consider making the paint. We also found that it wrinkled on the finished product. In Dec 2005, Diamond Vogel came with another primer that was in compliance. The dry time was not acceptable and we would also need to purchase a mixing system. In Dec. 2005, we received quotes from Diamond Vogel for the ratio mixing equipment. The company become obsolete and only one system was available at that time. If Brand FX was to purchase this system, we would want identical systems at each location. In Dec. 2005, Sherman Williams came in with compliant materials, but the dry time was not acceptable and we would have to purchase the mixing system. In Feb. 2006, Diamond Vogel came in with a compliant paint. We call it a Next Gen paint. We sampled the paint and switched to this paint in February. However, we do not have the accelerator or the activator because this would require the activator equipment. In March 2006, we submitted monthly

progress reports to DNR. We found that our current cleaners did meet the limits. In April 2006, Arnold Motor came in with a primer and activator that was not compliant. We had a meeting with PPG and asked that they re-engineer the product to make it more compliant. The product sprayed well and had an acceptable dry time with a longer pot life. In April 2006, we submitted the monthly report of 6.88 lbs. In May 2006, Diamond Vogel came with a primer that was compliant. We submitted the progress monthly report to DNR at 6.7 lbs. The primer is single stage and we were concerned of its durability. In June 2006, we submitted another report and we were down to 6.47lbs. We did additionally testing of our current painting primers. In July 2006, we submitted the monthly progress report at 6.53lbs. The reason for an increase this month was because the painter brought in his own cleaner without knowledge to management and that's why it increased.

To date the 12 month rolling organic HAP for September 2005-August 2006 is 5.92. Brand FX will switch to the new materials on October. However, because of the calculations is based on a 12-month rolling average, our projected time period of compliance would be September 2006 – August 2007. We will be at 1.70 lbs.

Motion was made by Darrell Hanson to refer SNF Inc. dba Brand FX to the Attorney General. Seconded by Mary Gail Scott. Motion carried unanimously.

REFERRED

GENERAL MOTORS CORPORATION (SIOUX CITY) – CONSENT ORDER VIOLATIONS

Dave Wornson Attorney with the DNR presented the following information:

The Department recommends referral to the Attorney General's office to enforce the terms of the 2004 administrative consent order (ACO) and to seek civil penalties against General Motors Corp. for violation of the ACO.

The site is located in Sioux City and is commonly known as the AC Rochester/GM site. GM purchased the site in 1980 from Zenith Corporation and modified the facility to assemble test throttle body fuel injection systems. GMC ended production at the facility in March 1993.

There had been a history of underground storage and use of solvents, including solvents, acetone, isopropanol, white gas, lacquer thinner, and 1,1,1 –trichloroethane.

The Department and GMC first entered into an Administrative Consent Order in 1996 as a part of an agreement to transfer oversight of the remedial activities from EPA. GMC completed a site investigation and entered into a second ACO in 1997. This consent order required completion of a "remedial investigation" and "feasibility study" to assess risk and develop remedial options consistent with the requirements under CERCLA and EPA's national

contingency plan. Following public comment, a “record of decision” (ROD) was finalized on May 14, 2001.

Subsequent to the ROD, higher levels of contamination were discovered in the City wells #3 and low levels had been found in the City’s collector well #24. In response, GM and the City reached an agreement to pump City well #3 to waste as means of controlling and preventing the migration of contaminated groundwater into the City collector well system.

From 2001 and 2004, GMC developed a pilot study of a “butane-biostimulation” remedial system and methods for maintaining hydraulic control to prevent impact to the City wells as provided in the ROD. The pilot study report had been submitted to the Department and EPA for comment and review in March 2003. The Department and GMC entered into an Administrative Consent order in September 2004. The ACO provided for implementation of the May 2001 ROD provisions and specified a schedule for development and implementation of two related remedial actions, plans for implementation of butane bio-stimulation system and implementation of hydraulic control system.

The confirmed deadlines for implementation of the control system was May 27, 2005 and June 24, 2005 for bio-stimulation system.

GMC requested an extension of the deadlines by letter on May 17, 2005. GMC wanted to extend the date to August 31, 2005. The Department responded with a letter stating that it was reserving a decision as to whether there was “good cause” for the extension as provided in the 2004 ACO for the proposed extensions. The letter stated that the Department would defer enforcement for failure to meet the deadlines with the expectation that GM would meet its proposed extended deadlines.

GMC failed to meet either of the extended deadlines. We did not feel that progress was being made even until the middle of February. The Department issued a Notice of Violation for failure to meet the implementation dates for the bio-stimulation and hydraulic control system.

GMC notified the Department by letter on June 2, 2006 that the bio-stimulation system had been activated on April 25, 2006 as promised. GMC stated that the City of Sioux City had refused to issue building permits for construction of the hydraulic control system building because it was located directly above an old sewer and because the City had concerns about underground water pipes. The letter stated that the “City of Sioux City” had approved the site plans in the fall of 2005. The Department made some contracts and called the City director. There had never been final approval by the appropriate city officials for the hydraulic system, building plan or that a final permit was issued. The Department, based off of these findings, thought that this was not a good cause for an extension.

GMC continues to submit bi-weekly updates on its progress toward the re-design and installation of the hydraulic control system. As of the last report, GMC meet with City officials and submitted a plan for relocating the hydraulic control system building, replacing 16 recovery wells, plugging existing wells, finalizing all necessary specifications to obtain a building permit and submitting a plan to its sub contractors. A final completion date has not been proposed.

Because of the noted violations of the Administrative Consent Order and the failure to meet the deadlines and the two subsequent extended deadlines this matter should be referred to the Attorney General's Office.

Bill Ford, Environmental attorney with Lathrop & Gage in Kansas City represented General Motors.

Also in attendance on behalf of GM:

Fred Rindhage, Professional Environmental Engineer working for GM in Detroit, MI.

Mike Conzett, Professional Engineer from Omaha, NE.

This proposed referral from DNR deals with a former General Motors facility located in Sioux City, Iowa and a proposal by the DNR to refer this matter to the Attorney General.

In order for you to evaluate this matter, it is important to give you a little background about how the environmental contamination occurred on this property, and how General Motors has for 13 years actively worked to investigate and respond to that contamination which General Motors did not cause.

This property was purchased by Zenith Corporation in 1965. Zenith constructed and operated a facility at that location from 1965 through 1980. Zenith used the facility for assembling radios, and as a part of its operations had five 500-gallon underground storage tanks. These tanks were used to store various solvents including acetone, isopropanol, white gas, lacquer thinner and 1,1,1-trichlorethene.

General Motors Corporation purchased the property from Zenith in 1980 to assemble and test throttle body injection fuel systems. Zenith Corporation has now gone bankrupt and did not provide for the cleanup of this property.

General Motors never used Zenith's five underground storage tanks and GM removed those five tanks in 1984. General Motors installed equipment, including six aboveground storage tanks for Stoddard Solvent, and operated this facility from 1980 through March 1993. The Stoddard Solvent tanks were removed not long after the plant shut down.

Immediately after ceasing operations at the facility in April 1993, General Motors conducted Phase I and Phase II Environmental Site Assessments for this property. The results of those Site Assessments indicated that groundwater at the site had been previously contaminated by Zenith Corporation's former use of the property. General Motors continued with investigations of the site through 1993 and 1994 and found several contaminants in the groundwater which came from the former Zenith underground storage tanks. Even though General Motors did not cause this contamination, General Motors undertook the responsibility of leading the remediation of the property.

In early 1995, General Motors volunteered to DNR to proceed with a full investigation of the site and take whatever corrective actions were necessary to clean up the site. Originally the Iowa Department of Natural Resources explained to GM that DNR's staff resources were otherwise committed, and that DNR wanted the U.S EPA to retain responsibility for this site. In order to allow the Iowa Department of Natural Resources to take oversight responsibility for this site General Motors Corporation provided funding for a specific technical person at the Iowa Department of Natural Resources to oversee this site. GM and DNR entered into an Administrative Consent Order (ACO) in June of 1996 and another ACO in September 2001, in order for the Department of Natural Resources to have oversight for this property. Through the Agreements and Consent Orders between General Motors and DNR, GM has over the last thirteen years, performed formal site inspections of this property and prepared quality assurance plans, health and safety plans, regular groundwater monitoring reports, community relation plans and various other documents, all approved by DNR, as needed to investigate and remedy this property. The current consent order for this property specifically recognize that General Motors has satisfactorily completed two prior consent orders related to the investigation and remedy implementation at this site.

Following the selection of a remedy by DNR in May 2001 higher levels of contamination were found in a couple of Sioux City wells which are near the former Zenith facility. General Motors then worked with the DNR and the Sioux City Water Department to isolate contamination originating from the Zenith site and keep that contamination from impacting active city wells. GM did that in part by using an inactive city well, Well #3, to divert contaminated groundwater away from the municipal well field. General Motors paid for modifications to that city well and agreed to pay for all costs associated with the pumping of that city well to waste. GM did give Sioux City \$900,000 for new wells, we are not aware if that has been done.

GM also completed a pilot study for a groundwater treatment system called a butane biostimulation system in May of 2001. That butane biostimulation pilot study was successful and is designed to reduce the load of contamination in the soil which leaches into the groundwater over time.

General Motors then entered into another consent order with the Iowa Department of Natural Resources in September of 2004. That consent order is the subject of the suggestion of referral made by the Department of Natural Resources today. The goals of that consent 2004 order agreed to by Iowa DNR and GM are to: reduce and remove the soil and groundwater contamination at the site; and keep that pollution from impacting the Sioux City water supply. In order to achieve those goals General Motors agreed to do six things:

First, the "Primary Remedial Technique" agreed to by DNR and GM was to implement the butane biostimulation system. This is the same system on which General Motors ran a pilot study on in the area. As noted, the purpose of this system is to reduce the amount of contaminants in the soil that are acting as a source of contamination in the groundwater. General Motors has installed a new compressor in the system and has resumed operation of this butane biostimulation system in the contaminant source area. The system had been shut down at the end of the pilot period, and subsequent to the EPA opinion of the pilot period report that the technology was not effective, the operation was not immediately resumed.

Second, pumping former city well #3 to waste in order to contain the groundwater contamination and keep it from impacting any active city water wells. General Motors continues to pay for all costs associated with pumping and maintenance of that well. GM has paid over \$1 million to the City of Sioux City.

Third, General Motors agreed to, and has prepared an operation and maintenance plan for the remedial actions to date, and the long term operation and maintenance plan for the new system will be developed as the new system is constructed.

Fourth, General Motors recorded a deed restriction on this property that prohibits the use of groundwater at the site. General Motors no longer owns this former Zenith property, but, notwithstanding, GM continues to undertake the cleanup responsibilities for this site.

Fifth, General Motors prepared a community relations plans for the property as required under the 2004 consent order.

Sixth, a contingent, backup type portion of the remedy agreed to by GM in the 2004 consent order is what is called a hydraulic control system. This hydraulic control system involved the installation and operation of approximately 16 groundwater wells around the eastern perimeter of the property to capture any contaminated groundwater that is not otherwise cleaned up through the source-located butane biostimulation system. The hydraulic control system is designed to prevent that groundwater from leaving the site and pump it to the city sewer system for disposal. This is in contract to the original plan to provide butane biostimulation injection at the property line to act as a treatment screen. That plan was changed following the opinion by EPA that the butane-based technology was not effective. This hydraulic control system is a complicated recovery system that General Motors has been designing and installing on the property that it no longer owns. Unfortunately, the design and implementation of this system has been more complicated and time consuming than originally anticipated. General Motors has not been able to meet the deadlines originally scheduled for implementation of that hydraulic control system in the 2004 consent order. The reasons for that inability to meet those time deadlines can be summarized as:

- a. The inability to obtain a construction permit from the City of Sioux City without replacing a substantial amount of the 90-inch storm sewer; and
- b. The time it took to re-engineer the whole system following the decision to relocate the wells and collection piping away from the storm sewer.

Notwithstanding these past delays, the hydraulic control system has, at this time, been redesigned. All wells are currently in place for operation of the system, and contracts necessary for completing construction and operation of the system have been put in place. Mobilization to resume the on-site construction of the building and other facilities began yesterday, on September 18th, and General Motors anticipates, presuming delivery of all components as promised by GM's suppliers, the hydraulic control system will be fully constructed and in operation on or before the end of 2006.

Even though GM did not cause this contamination General Motors has stepped up to the plate for 13 years to investigate and contain this contamination that arose from the former Zenith facility. General Motors no longer owns this property, but is continuing to fulfill its obligation to lead the clean up of the property, and is acting as promptly as it can to accomplish the goals under the consent order. In the last 13 years General Motors has spent over \$4 million investigating, monitoring, computer modeling, engaging engineering and re-engineering services and remediating the contamination at this site.

General Motors would also like to take this opportunity to address any misconception that it is uncooperative with Sioux City officials. Some of the non-administrative order benefits provided to the City of Sioux City include:

- a. Paying for the additional test parameters in monthly well water testing;
- b. Pre-paying for the long-term use of the groundwater wells #3 (for diversion) and #4 (shut-off). This helped the city plan for replacement capacity;
- c. Agreeing to a plan by the city to use the water discharge from Well #3 for a spray pond intended to be a part of the riverfront development;
- d. Providing groundwater modeling services at no cost to pre-determine whether lowering the water in the marina for dredging purposes would have a significant impact on the contaminated groundwater plume;
- e. Designing a room at the end of the hydraulic containment building for the city to install a sewer odor control injection system; and
- f. Providing a copy of the bi-weekly report directly to the city.

Iowa DNR related to this property and General Motors will successfully complete this consent order with Iowa DNR. General Motors does not believe it is appropriate at this time for this matter to be referred to the Attorney General for potential penalty application against General Motors. GM asks that this committee today defer any action on referring this matter to the Attorney General, and allow GM to use its resources to complete its compliance with this consent order rather than spend its resources on attorney fees to fight a penalty pursuit by the Attorney General.

The consent order that is at issue specifically allows the Iowa DNR and General Motors to enter into good faith negotiations to modify the schedule, or develop a new schedule as necessary if there is "just cause" why the various components of the consent order cannot be completed within the planned schedule. DNR has, in the past, entered into negotiations with GM to modify the schedules involved. General Motors appreciates those prior schedule modifications from DNR. At this time all General Motors asks is that it be given some additional time to complete this phase of work to finish construction of the hydraulic containment system and get it operational. GM asks that this committee decided not to refer this matter to the Attorney General at this time.

I appreciate the opportunity to speak to you on behalf of my client, General Motors, and want to assure you that General Motors intends to continue to fulfill the obligations of the consent order and protect groundwater in the Sioux City area from the former Zenith site.

Darrell Hanson asked if GM had a choice to clean up the site since it was not there contaminants.

Bill Ford said yes and no. Since it was found while we owned it, we have some responsibility to clean up the site. Plus, we wanted to sell the land.

Mary Gail Scott asked why the design took a year and half to complete.

Mike Conzett said that within the consent order, there are a lot of things that need to be done before a detailed design plan is complete. We needed approval from the DNR on butane requirements and hydraulic control, and that took a long time.

Dave Wornson said that GM has always been professional and cooperative with the DNR. We are not here to re-negotiate the terms of the consent order. I appreciate GM's efforts on compliance. This is about maintaining the creditability of the terms in the consent order. Those have not been met. Deadlines have been repeatedly missed. Consent orders need to mean something.

Bill Ford said that in regards to the schedule within the consent order, things can be extended with a just case, and there was. We will get completely into compliance.

Dave Wornson said that it doesn't seem like a good cause to keep having deadlines missed. This needs to be enforced.

Mike Conzett said that the original wells were put in 2005, with the anticipation of getting the design completed. We were too optimistic in thinking that we could design these wells in such a short amount of time.

Ricky Macke, City of Sioux City said that preliminary plans were submitted to the City in July, but there is no evidence in the minutes or agenda that they were approved. Regardless, GM went ahead with construction over a water main and sewer without a building permit.

Mike Conzett said that the City approved the plans at their October meeting. It is in the formal minutes.

Motion was made by Darrell Hanson to refer General Motors to the Attorney General. Seconded by Lisa Davis Cook. Motion carried unanimously.

REFERRED

BRIDGES BAY RESORT, L.L.C. (DICKINSON COUNTY) – WASTEWATER / AIR QUALITY

Diana Hansen, DNR legal staff presented the following item.

Bridges Bay Resort, LLC is developing a site in Dickinson County. Bridges Bay consists of a 25 acre site along the south shoreline of East Lake Okoboji that is being developed into a vacation resort with a hotel and water park and condominium housing. Approximately 20 acres of ground has been disturbed.

On June 14, 2005 the Department issued authorization to Bridges Bay pursuant to NPDES Storm Water General Permit No. 2.

On October 4, 2005 Field Office 3 conducted a storm water compliance inspection. Deficiencies noted in the inspection report included: not having the Pollution Prevention Plan on site, failure to have contractor certification statement signed by primary contractor and subcontractors, damaged and downed silt fencing.

A DNR inspector visited the site a week later and documented sediment entering East Lake Okoboji from a Bridges Bay construction site dewatering process. This was an authorized discharge to a water of the state which created a water quality violation.

In April 2006, a storm water compliance inspection was conducted by Field Office 3. The inspection found that the PPP was not on site and the contractor certification statement was not signed as required in the previous inspection. Perimeter silt fencing along the lake side of the development had been knocked down and was no longer effective. A channel dug in the center of the project leading directly to East Okoboji did not have any control measures installed in the PPP. The inspection report and NOV letter were sent in April 2006.

In May 2006, FO 3 visited the site to determine if deficiencies noted in the prior inspection report were corrected. Some of the violations had been corrected, but several silt fences were not properly installed. The contractor certification statement still had not been signed. No protection had been installed along the open channel in the center of the project. The consulting engineer was made aware of the violations at the time of the visit.

On June 13, 2006, FO 3 visited the Bridges Bay Resort project. Nearly all lake side perimeter silt fencing had been knocked down. The open channel in the center of the project was not protected by any control measures. The contractor certification statement was not signed yet. Open burning of construction wastes, including lumber, drywall, insulation and plastic was observed on the site.

We would ask that you refer Bridges Bay Resort to the Attorney General based on the violations of unauthorized discharges, water quality issues, storm water, and open burning.

Scott Brunsvold, Project Engineer with Jacobson Westergard said that we are consensus of environmental concerns and quality. There is about ½ mile of shoreline that we are trying to protect. A lot of trees are still standing there. The last thing that Bridges Bay wants to do ruin the livelihood. The cost of this project is estimated at \$200 million. Most of this work is 150 feet away from the lakeshore, we wanted to keep the natural look of the lake shore.

We were having some problems with the subcontractors in regards to the silt fence. It was taken down to haul in materials, but not put back up. There was an agreement made that all silt fences needed to be up by the end of the work day. In mid- June there was a good rain event. (about 1.5 inches in an hour) The pictures taken after this rainfall. Not all of that water and discharge came from the building. Those problems were fixed.

I am completely aware of the open burning details. Apparently, there is no local ordinance for open burning and they weren't aware of any state ordinance. When they were notified to stop, they immediately cease that operation. I don't believe they had any more open burns since then.

We have the deficiency reports from the DNR. I thought the issues that were addressed were handled in a timely manner. It was difficult to get the subcontractors on board with what is required to keep the erosion plan in place. Everything now seems to be working out fine. We really got a handle on what the DNR requires. As far as the fines, they were under the impression that they just needed to handle the matters as soon as possible. The last thing they want to do is determent their relationship with the DNR.

Donna Buell, a commissioner from Okoboji said that she was amazed that this developer promised a low impact build. It has been nothing but that. There are pictures in April showing sediment has washed a long time over the silt fences and sediment building up on the corner of the streams. Obviously, this has been happening a lot. You made a promise! I stood up for you at the city meeting, because you said and I thought that you would be a good example of a low impact development. We need those around here. But I was wrong. The citizens were right to be concerned. Empty promises don't get us anywhere. You knew, way beyond the groundbreaking that the community was watching this very closely. They were trying to keep you to your word. You said that you were going to set an example. But you have set that the opposite way. I haven't heard anything today on why you shouldn't be referred.

Motion was made by Donna Buell to refer Bridges Bay Resort to the Attorney General's Office. Seconded by Darrell Hanson. Motion carried unanimously.

REFERRED

ALBERT MILLER (KALONA) – SOLID WASTE / AIR QUALITY

Kelli Book presented the following information:

Albert Miller has a history of open burning and improper solid waste disposal, including wood, insulation, metal, tires, gypsum board and vinyl flooring at his property located in Kalona. Mr. Miller was issued an administrative order on July 21, 2003. The order required him to stop open burning, dispose of solid waste properly and pay an administrative penalty. Mr. Miller has not complied with the requirements associated with the order. Since the order was issued, DNR field

office 6 has received compliance about Mr. Miller burning at his property. He has received five Notice of Violation letters. Mr. Miller failed to comply with the requirements of the order and continues to violate the open burning and solid waste disposal regulations.

In December 2004, Field Office staff received a complaint for open burning. Mr. Miller was burning insulation off copper wire and burning waste from demolished mobile homes. Mr. Miller was issued a NOV for open burning.

IN August 2006, Washington County Sheriff's Office received another compliant against Mr. Miller for open burning. They observed a pile of solid waste on fire as well as a pile of shingles dumped on the property. Mr. Miller was not at home at the time of the visit.

During the inspection, it was determined that Mr. Miller had continued to demolish mobile homes without first conducting an asbestos inspection. Mr. Miller stated that he did not plan to conduct asbestos inspections in the future and planned to continue to burn from the demolition projects.

Mr. Miller informed Kurt in the Field Office that he will get the site cleaned up. This is the first time that he have actually heard him say that. Frankly, the Department is concerned if we'll receive another compliant next week. Our orders are not getting the point across.

Mr. Miller's family members have been the ones keeping in contact with the Department.

Motion was made by Lisa Davis Cook to refer Mr. Miller to the Attorney General's Office. Seconded by Francis Thicke. Motion carried unanimously.

REFERRED

HAROLD AND SHARON DeVOS (ROCK RAPIDS) – SOLID WASTE / AIR QUALITY / WASTEWATER

Anne Preziosi, DNR Attorney presented the following information:

An administrative order was issued to Harold and Sharon DeVos in June 2006. The order was issued for illegal open burning, illegal disposal of solid waste, illegal appliance de-manufacturing, and illegal wastewater disposal. The DeVos operate a business in Rock Rapids Iowa where appliances are stored and dismantles for scrap metal. The property is owned by Sharon DeVos. The order required the DeVos's to do the following by August 1, 2006: 1) remove and properly dispose of all solid waste, including but not limited to appliances, parts, metal, plastic, and rubber and 2) cease the illegal de-manufacturing of appliances and illegal disposal of solid waste. The order was not appealed and the requirements of the order have not been met.

The DeVos has a history of open burning, improper solid waste disposal and de-manufacturing appliances without a license for the property. DNR has received complaints regarding this property since 2004. Before the order was cited, we informed Mr. DeVos to enter into an administrative consent order. He did tell us in March that he was planning to close his de-manufacturing business and would clean up the site. We relied on this information when we did not attach a penalty to the order that was issued. On August 3rd, Bryan Whiting visited the site and found that there was a continuing business of illegal de-manufacturing of appliances and that Mr. DeVos had failed to clean up solid wastes. On August 23rd, DNR received a complaint that Mr. DeVos was illegally open burning twice a day.

Last Friday, Bryan Whiting visited the site again and took pictures. There is a truck of materials that was incoming white goods to the site.

We would ask that you refer the DeVos's to the Attorney General.

Harold DeVos said that he does a business where he repairs appliances. According to the DNR, a repair shop is exempt from removing components from appliances. I have done this for over 25 years. I said I was going to close the business because I was going to lose my lease on the building. Some of the appliances, like the ones on the trailer in the picture from last Friday, were going to a dealer who also re-builds them. They were not getting dropped off at my site. I buy scrap metals from several different plumbers and repair shops. I figured I would have the site cleaned up by August 1st but my health has gone bad. I have type II diabetes. I made an agreement for someone to come and clean it up, they came and picked up one load and didn't come back. Bryan visited the site last Friday but he should have observed that there had been several loads hauled out. As of last Friday, there has been 120 dishwashers removed. Two loads have gone to the landfill. I do have receipts for them. I'm currently working with an attorney to file bankruptcy. I don't have the assets, I have to wait for my social security checks. I can't be outside for more than 2 hours. Mr. Whiting should have taken pictures of how it has been cleaned up. I do operate a repair shop. I'm not in the business of de-manufacturing appliances. I either give away or pay people to haul off the appliances.

Bryan Whiting said that he didn't see a problem with getting this done in a longer period of time.

Jerry Peckumn asked about open burning.

Harold DeVos said that he does burn his household waste.

Jerry Peckumn asked about the trailer load that was taken in the picture.

Harold DeVos said that was a load of air conditioners going out to get recycled. I have a certified contract with a plumber, I pull off the motors and cooper for spare parts. They have already been evacuated with I get them.

I hired one man to help, he stayed for four hours and never came back. I had an agreement with a company to haul things off, they are licensed to de-manufacture in the state of Iowa. They came and picked up one load and has not been back.

Darrell Hanson asked Mr. DeVos why he didn't make an appeal on the first administrative order, when it stated that you were operating a de-manufacturing business.

Harold DeVos said that I had mentioned that more than once over the phone. I have invited Mr. Whiting to come out and visit my shop. He said that he would and he has never been to my shop. I really didn't read the entire administrative order.

Bryan Whiting clarified under Chapter 118 on the description of a de-manufacturing shop.

Darrell Hanson asked Bryan if he had extended the clean up time for Mr. DeVos.

Bryan Whiting said that he told Mr. DeVos that he was doing a good job at cleaning up the site and making the effort. The August 1st visit was done to check for compliance. Mr. DeVos asked me if he could get an extension and I informed him to check with the DNR Legal staff. When I went back on Friday, September 15th he was still de-manufacturing appliances.

Harold DeVos said again that he is not de-manufacturing appliances. I give them away. I pay people to haul them away. There is no Freon.

Anne Preiziosi said that the DNR has been working with the DeVos's to get into a consent order. We offered the idea of getting a de-manufacturing license, so he could continue his operation, but he informed us that he was going to get rid of the business due to health and financial problems. We did not take penalty action, but rather put in a deadline for site clean up. Which was not done.

Motion was made by Darrell Hanson to refer Harold DeVos to the Attorney General's Office. Seconded by Donna Buell. Motion carried unanimously.

REFERRED

BIERMAN ET AL. PETITION FOR RULEMAKING

Randy Clark, DNR Attorney presented the following information.

At the Commission's June meeting, Attorney Eldon McAfee presented a Petition For Rulemaking from Tim Bierman, Gary Edwards, Steve Kerns, Leon Sheets and Roger Zylstra. The Petition requests that the Commission institute rulemaking proceedings regarding rules pertaining to confinement feeding operations. First, the Petitioners request that the rules be updated to conform to various statutory provisions. Second, the Petitioners request that the Commission lower the nitrogen use rate factor for soybeans in Table 4 from 3.8 pounds per bushel to a range of 3.1 to 3.4 rather than proceeding with a phased prohibition of liquid manure to soybeans as the Commission decided at its May meeting.

The Department agrees with the need to update rules pertaining the confinement feeding operations, including rules not addressed in the Petition, and recommends that the Commission grant the Petition and proceed with rulemaking in that regard. However, concerning application of liquid manure to soybeans, the Department believes that this issue requires more study and recommends that the Commission deny that portion of the Petition. If the Commission agrees with this recommendation the Commission's rules require that the Petitioners be notified in writing, including the "specific grounds for the denial."

Randy Clark provided a draft written response for the Commission's approval. Francis Thicke stated that the reason for denying the portion of the Petition pertaining to the application of manure to soybeans (paragraphs 13-17) should be that the Commission will be addressing this issue in another rulemaking proceeding.

Motion was made by Francis Thicke to approve this language except for the modification that the Commission will consider the issue of manure on soybeans under a different rulemaking proceeding. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS AMENDED

SUBRULE PROHIBITING LIQUID MANURE APPLICATION TO SOYBEANS

Randy Clark, DNR Attorney, presented the following item.

At the Commission's May meeting, the Commission requested that the Department prepare draft rule provisions that would phase-in prohibition of liquid manure to soybeans over a three to four year period and provide an exception if longer season crops cannot be planted due to excessive rainfall or other adverse field conditions.

The Department has drafted a proposed new subrule that satisfies the Commission's request. However, the Department recommends that the Commission consider the following questions before proceeding with rule making. First, whether all types of manure and operations should be addressed, rather than just liquid manure and confinement feeding operations? In other words should dry manure and open feedlots (nutrient management plans) be included?

Second, how should the exception to the prohibition be implemented? The draft language includes a blank in paragraph "b" so the Commission can determine acceptable sources for the documentation that longer season crops could not be planted. If the Commission decides that documentation should be required and from whom, how should this documentation be made known to the Department? Should it be included with the next annual MMP update? Or should it merely be retained with the current MMP at the site? These are technical questions not easily answered during a Commission meeting. The Department suggests that the Commission consider establishing a study group composed of producer and environmental interests, along with Department staff, to make implementation recommendations for a future Commission meeting.

Amend rule 65.17(459) by adding new subrule (20), as follows:

65.17(20) Liquid manure on land planted to soybeans. Effective [effective date of amendment], the owner of a confinement feeding operation who is required to submit a manure management plan shall not apply liquid manure to land that is planted to soybeans or that will be planted to soybeans the next crop season. However, this prohibition is limited as follows:

- a. An owner who files an original or updated manure management plan prior to [effective date of this amendment] that provides for the application of liquid manure on land that will be planted to soybeans is not subject to this prohibition until [three years after effective date of this amendment].
- b. This subrule does not apply if the owner provides documentation from _____ that excessive rainfall or other adverse field conditions has prevented the planting of crops that require a longer growing season than soybeans.
- c. The director may determine that this subrule does not apply to all owners in specified counties for a single crop season if information from the United States Department of Agriculture indicates that excessive rainfall or other adverse field conditions in those counties has prevented the planting of crops that require a longer growing season than soybeans. Notification of the director's determination shall be provided by a statewide press release.

Mary Gail Scott said that our job is to protect the environment. I realize that soybeans don't need nitrogen however if there is nitrogen in the soil they will use it. Though it may not provide a benefit for the crop, does it hurt the environment? There are nutrients in the manure besides nitrogen that may be beneficial to the crop. If we are protecting the environment by totally banning liquid manure on soybeans, are we really protecting the environment.

Francis Thicke said that soybeans fix nitrogen but the idea is that if you can apply manure nitrogen then you will shut off the fixation and the manure will provide the nitrogen. But there are other pools of nitrogen in the soil. There is pool of residual nitrogen from the previous year and previous crop.

Francis stated that he talked with Michael Russelle, soil scientist from the University of Minnesota, who has studied and is familiar with Iowa and has also done research on the Mississippi river basin. He has taken fixation rates from alfalfa and soybeans. I asked him about the Des Moines Lobe, what kind of residual levels could we find. He said down to five feet there is a range of 50-200 lbs. of nitrogen per acre. Rule of thumb: for every percentage of organic matter there is about 20 lbs of nitrogen per acre per gallon. Sometimes soybeans weren't fixing nitrogen because it was a tough year, and when it was depleted they fixed at a very high rate.

Francis Thicke said that G. Randall, soil scientist from the University of Minnesota, (has also done a lot of work on this) says that in a corn-soybean rotation there is always leakage of nitrogen. 46% of the nitrogen leached in the corn-soybean rotation comes from the soybean phase. Soybeans leaks as bad as the corn does. I'm not saying that this will be the case in every situation but it will in some.

Mary Gail Scott said that the fundamental question is...Does it harm the environment?

Darrell Hanson said that the fundamental question should be...is it more harmful to put nitrogen on soybeans than it is corn? How will people respond to this regulation? Will everyone just start planting corn every year.

Francis Thicke said that the principals of economics tell us that if more acres near confinement operations are planted to corn that will be balanced by more acres of soybeans elsewhere.

Jerry Peckumn said that if the soybean plant doesn't utilize nitrogen that's available, then you add fertilizer to the soil then you increase the odds for leachate.

Francis Thicke went through an example MMP that was passed out to Commissioners.

The Commissioners continued to discuss this issue further.

Motion was made by Francis Thicke to have the DNR prepare a notice of intended action and amend the proposed language for 65.17(459)(20) as follows: to include open feedlots along with confinement feeding operations, this rule only applies to liquid/effluent manure, delete paragraph c, and include language in paragraph b that this subrule does not apply beginning June 1st if excessive rainfall...has prevented planting longer growing season crops. Seconded by Darrell Hanson. Motion carried unanimously.

The Department will prepare a Notice of Intended Action for approval at a future meeting.

APPROVED AS AMENDED

FINAL RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the department's administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the past year EPA has revised, updated, or added standards for iron

and steel manufacturing and cooling water intake structures for off-shore oil and gas extraction facilities. The change to rule 60.2 (455B) is to update the definition of “Act” to include amendments to the Water Pollution Control Act through July 1, 2006. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater dischargers to remain current with federal requirements.

There have been no amendments to the Clean Water Act or to federal toxic effluent standards, rule 62.5 (455B), since these rules were last updated in 2005. On October 14, 2005, EPA revised the general pretreatment regulations in an attempt to streamline the pretreatment program. On December 13, 2005, EPA amended the standards for the iron and steel manufacturing industry, allowing alternative limitations for oil & grease and correcting various effective dates.

Motion was made by Darrell Hanson to approve the final rule as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE —RESCIND 567 IAC CHAPTER 47, “PRIVATE WELL SAMPLING, REHABILITATION, AND CLOSURE—GRANTS TO COUNTIES.”

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

The Department is requesting permission from the Commission to rescind 567 IAC Chapter 47 “Private Well Sampling, Rehabilitation, and Closure—Grants To Counties”, which has been replaced by a new chapter, 641 IAC Chapter 24, “Private Well Testing, Reconstruction, and Plugging—Grants To Counties,” administered by the Iowa Department of Public Health (IDPH), effective July 1, 2006.

The administrative portion of the Grants To Counties program, which provides for the transfer and accounting of program funds to counties, was transferred from the Department to the IDPH on July 1, 2002. The technical assistance portion of the program, which provides technical assistance and education to the 98 participating counties on the proper plugging, renovation, and

testing of private wells, is still provided by the Department's Water Supply Operations Section staff.

The adoption of 641 IAC Chapter 24 completes the transfer of administrative authority for the Grants To Counties program from the Department to IDPH. The new rules institute several program changes, summarized below:

1. The county contracts will be administered through the county board of health, instead of by the county board of supervisors.
2. Fee changes are established.
3. Water well tests must be taken by a "qualified" county employee. Counties will not be able to distribute water test kits to homeowners for sampling.

Motion was made by Darrell Hanson to approve the final rule as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 43: WATER SUPPLIES – DESIGN AND OPERATION – CONSTRUCTION PERMIT FEES

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission is asked to approve the attached Notice of Intended Action to amend Chapter 43: Water Supplies – Design and Operation of the Iowa Administrative Code (IAC).

This chapter pertains to the public water supply requirements for design and operation. The changes being proposed are listed below.

- Clarify and correct the fee schedule for a time extension request.
- Institute a maximum construction permit fee per public water system owner of \$5,000 in a calendar year for any water-main projects.
- Institute a maximum construction permit fee per public water system owner of \$16,000 in a calendar year for any non-water-main-related project.

The fee schedule for the time extension request has been clarified and corrected to a flat fee. Currently, a few public water supply system owners are paying more than the maximum amount that was originally anticipated. This rulemaking will institute a cap on the per system owner construction permitting fees in each calendar year. It is estimated that the new fee structure will reduce the fee receipts each year by approximately \$25,000 to \$30,000. No stakeholder meetings have been held since this is a reduction in fees to the regulated community.

Motion was made by Darrell Hanson to approve the NOIA – Chapter 43 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMEND IAC CHAPTER 567-11 “TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY”

Wayne Gieselmann, Division Administrator of Environmental Services presented the following item.

Commission’s approval is requested for a Notice of Intended Action to amend administrative rule 567—Chapter 11 “Tax Certification of Pollution Control or Recycling Property.”

Legislative changes in 2006 expanded the scope of Iowa’s recycling property tax exemption. Prior to this legislation, Iowa companies processing wastepaper products, waste paperboard, waste plastic, or waste wood into a new raw material or product could receive a property tax exemption. The new legislation expanded the property tax exemption by amending the definition of recycling property to include property used to convert waste glass products into new raw materials or products.

The proposed amendments reflect the expansion of the property tax exemption to include property used to process waste glass products and include removal of an out-of-date reference to the Department of Water, Air, and Waste Management.

Motion was made by Mary Gail Scott to approve the NOIA – 567-11 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION - ALAN BAKKER

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following information.

Alan Bakker

On March 7, 2006, the department issued Administrative Order No. 2006-AFO-06 to Alan Bakker. The order required Mr. Bakker to pay a penalty of \$6,000 for failure to submit a manure management plan and to pay past compliance fees of \$607.50. That action was appealed, and a hearing on this matter was held on July 28, 2006. A Proposed Decision was issued on August 11, 2006. The Proposed Decision affirmed Administrative Order No. 2006-AFO-06. There has been no appeal of this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of this Proposed Decision, it automatically becomes the final decision of the agency.

NO ACTION TAKEN

PROPOSED RULE - CHAPTERS 21, 22, 23 AND 34, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS

Jim McGraw, Environmental Specialist of the Air Quality Bureau presented the following item.

The attached Notice of Intended Action to amend Chapter 21 "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," and Chapter 34 "Emissions Trading Programs," of the 567 Iowa Administrative Code is being presented to the Commission for information.

The primary purpose of the proposed rule changes is to adopt into the state air quality rules several federal regulations that were finalized over the last year. Additionally, these changes include adoption of minor federal amendments to the Clean Air Mercury Rule (CAMR). The rule changes also include clarifications and corrections to the state air quality rules for emissions inventories, variances, and Title V program requirements.

At the November Commission meeting, the Department will request approval to publish a Notice of Intended Action on these proposed rule amendments.

This rulemaking proposes the following updates, revisions, and additions:

- Item 1 removes an outdated footnote to the state emissions inventory rules. This footnote relates to a one-time act from Governor Branstad to suspend the deadline for the emissions inventory that was due in 1993. The footnote is no longer necessary.
- Item 2 clarifies the eligibility requirements for variances. Under federal regulations, the Department may not issue a variance for conditions or standards specified under such federal regulations as Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), or National Emission Standards for Hazardous Air Pollutants (NESHAP). The Department may grant a variance which does not substantially alter the facility's obligation to comply with elements of these federal regulations. The amendment is the Department's effort to clarify the variance eligibility requirements.
- Items 3, 4, 5, and 6 correct cross references in the Title V program rules for changes that were made in a previous rulemaking.
- Item 7 amends Chapter 23 to adopt recent federal amendments to the NSPS provisions. In particular, EPA revised the definition of electric generating unit (EGU). The amendment codified what the Department had already presumed to be the definition of EGU for the purposes of the Clean Air Mercury Rule (CAMR). There were additional clarifications to the NSPS for other source categories, which are described in more detail in the Notice preamble.
- Item 8 amends the standards for electric utility steam generating units to adopt recent federal changes to the applicability requirements for CAMR. EPA made clarifications to

the definition of "coal-fired electric utility steam generating unit" and clarified the emission standard for mercury. The federal amendments reflect the Department's previous understanding of these provisions, and do not alter CAMR's applicability to Iowa's facilities.

- Items 9 and 11 reserve two paragraphs in Chapter 23 in the NSPS rules to coincide with similarly reserved paragraphs in the federal NSPS regulations.
- Item 10 amends Chapter 23 to adopt a new NSPS. EPA issued final standards for diesel engines that are stationary compression ignition internal combustion engines for which construction modification or reconstruction commenced after July 11, 2005. Although these standards are modeled after the EPA standards for mobile source diesel engines, these standards do not apply to motor vehicles. These standards are described in more detail in the Notice preamble. At this time, the Department is not aware of any facilities subject to these new standards.
- Item 12 amends Chapter 23 to adopt another new NSPS. EPA finalized standards for certain stationary combustion turbines that commenced construction, modification or reconstruction after February 19, 2005. These standards are described in more detail in the Notice preamble. At this time, the Department is aware of one facility that may be subject to these new standards.
- Item 13 amends Chapter 23 to adopt recent federal changes to the national emission standards for hazardous air pollutants for source categories (commonly known as NESHAPs). The substantive changes are described in detail in the Notice preamble, and include the following:
 - EPA took final action on several NESHAPs to address residual risk. Under the Clean Air Act, EPA is required to revisit the NESHAPs for source categories to ensure that the prescribed emission controls are protecting the public health with an ample margin of safety. If this is not the case, EPA may establish additional control or emissions reduction requirements. EPA found that no additional control was necessary, and made only minor changes to the NESHAPs for these source categories: hydrochloric acid production, magnetic tape manufacturing, ethylene oxide sterilizers, industrial process cooling towers, and gasoline distribution facilities.
 - EPA amended the NESHAP general conditions to revise certain aspects of the start-up, shutdown and malfunction (SSM) requirements.
 - EPA amended three NESHAPs related to printing, publishing, paper coating, and textile coating to resolve inconsistencies, add additional compliance flexibility, and clarify the interaction between the three sets of standards.
 - EPA amended the NESHAP for organic liquids distribution to provide additional compliance options.
 - EPA amended the NESHAP for miscellaneous organic chemical manufacturing (MON) to clarify applicability, provide additional compliance options, modify initial and continuous compliance requirements, and simplify the recordkeeping and reporting requirements.

- EPA amended the NESHAP for integrated iron and steel manufacturing to add a new compliance option, revise emission limitations, reduce the frequency of repeat performance tests for certain emission units, add corrective action requirements, and clarify monitoring, recordkeeping and reporting requirements.
- Item 14 adopts federal changes to the NESHAP for dry cleaning facilities that use perchloroethylene (also known as perc). EPA assessed the residual risk for this source category, and determined that additional controls were necessary to protect the public health with an ample margin of safety. As such, dry cleaners will be subject to a number of new requirements. These are summarized in more detail in the Notice preamble. In particular, dry cleaners that are located in residential buildings, such as apartment complexes, will be required to eliminate or phase out all use of perc in several stages, beginning immediately for new facilities, and by 2020 for existing facilities. At this time, the Department is not aware of any dry cleaners in the state that are located in residential structures. The Department will work closely with our small business assistance partners to assist dry cleaners in complying with the requirements by the prescribed deadlines.
- Item 15 amends the NESHAP for hazardous waste combustors. The Department is not aware of any facility in the state subject to these standards.
- Item 16 amends the emission guidelines in Chapter 23 to adopt the most recent federal amendments. This includes adopting the minor clarifications to CAMR that do not alter CAMR's applicability to Iowa's facilities.
- Items 17 and 18 amend the emission guidelines to correct cross reference to Title V program rules that were amended in a previous rulemaking.
- Items 19, 20 and 21 amend Chapter 34 to adopt by reference EPA's most recent changes to CAMR. These changes codified what had already been the Department's understanding of CAMR's impacts. These changes do not affect Iowa's mercury budget or the mercury allowance allocations specified in the current rules.

INFORMATIONAL

USE ATTAINABILITY ANALYSIS

Chuck Corell presented the following PowerPoint presentation:

Designated Uses

40CFR131.3

“Designated uses are those uses specified in water quality standards for each water body or segment whether or not they are being attained.”

40CFR131.10

- ❖ “Each state must specify appropriate water uses to be achieved..”
- ❖ “...the State must take into consideration the use and value of water...”
- ❖ “States may adopt sub-categories of a use...”
- ❖ “States may adopt seasonal uses...”
- ❖ “In no case shall a State adopt waste transport or waste assimilation as a designated use...”

40CFR131.3

“*Existing uses* are those uses actually attained in the water body on or after November 28, 1975...”

Attainable Uses.

- ❖ Attainable means “To gain as an objective; achieve.”
- ❖ “At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits...and nonpoint source control.” 40CFR131.10

Designated Uses Quiz

Q. Designated Use = Attainable Use?

A. Yes. “Each state must specify appropriate water uses **to be achieved...**” Can’t stop at existing use **if** higher use is attainable.

Q. Attainable use = Existing Use?

A. Not always. Existing means it has been attained but attainable does not mean it is existing.

Q. Designated Use = Existing Use?

A. Yes. “Where existing water quality standards specify designated uses less than those which are presently being attained, the State shall revise its standards to reflect the uses actually being attained.” 40CFR131.10(i)

Criteria

- ❖ “Criteria are...expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use.”
- ❖ “States must adopt those water quality criteria that protect the designated use.” 40CFR131.10
- ❖ “Such criteria must be based on sound scientific rationale...” 40CFR131.10

Designated Uses and Criteria

Criteria must match designated use

Wading Use Skin contact criteria

Swimming Use Skin contact criteria
Ingestion criteria

Criteria Comparison

Bacteria Criteria (e. coli)

Use	Mean	Max
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A1	126	235
A2	630	2880
A3	126	235

Criteria apply during recreational season: March 15 – November 15 except for CW streams where they are applied year around.

Iowa Designated Uses

Class A – Recreational uses

Class B – Aquatic Life Uses

Class C – Drinking Water Uses

Class HH – Human Health Uses*

General Uses – applied to all waters (this is the lowest use possible)

*not yet approved by EPA

Iowa Uses

General Use Segments

“These are intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation and whose channels are normally above the water table. These waters do not support a viable aquatic community during low flow and do not maintain pooled conditions during periods of no flow.”

567 IAC 61.3(1)

General Uses:

- ❖ Livestock and wildlife watering
- ❖ Noncontact recreation
- ❖ Crop irrigation
- ❖ Industrial use
- ❖ Agricultural use
- ❖ Domestic
- ❖ Other incidental water withdrawal

General Criteria

All surface waters shall be free from:

- ❖ Substances that will settle to form ***sludge deposits***
- ❖ ***Floating debris***, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance.
- ❖ Materials producing objectionable color, odor or other ***aesthetically objectionable*** conditions.
- ❖ Concentrations or combinations which are ***acutely toxic*** to human, animal, or plant life.
- ❖ Substances in quantities which would produce undesirable or ***nuisance aquatic life***. 567 IAC 61.3(2)
- ❖ The ***turbidity*** of the receiving water shall not be increased by more than 25 Nephelometric turbidity units by any point source discharge.

- ❖ Acceptable levels of ***total dissolved solids (TDS)*** and constituent cations and anions will be established on a site-specific basis.
- ❖ The ***e.coli*** content of water which enters a sinkhole or losing stream segment...shall not exceed a Geometric Mean value of 126 organisms/100 ml or a sample maximum value of 235 organisms/100 ml. No new wastewater discharges will be allowed on watercourses which directly or indirectly enter sinkholes or losing stream segments. 567 IAC 61.3(2)

Iowa Recreational Uses

Class A1

“Waters in which recreational or other uses may result in ***prolonged and direct contact*** with the water, involving ***considerable risk or ingesting*** water in quantities sufficient to pose a health hazard...” 567 IAC 61.3(1)

Class A2

“Waters in which recreational or other uses may result in contact with the water that is either ***incidental or accidental***. During the recreational use, the probability of ingesting appreciable quantities of water is ***minimal***...” 567 IAC 61.3(1)

Class A3

“Waters in which recreational uses by ***children*** are common. Class A3 waters are water bodies having defined banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in ***urban or residential*** areas.” 567 IAC 31.3(1)

Iowa Aquatic Life Uses

Class B (WW1) Large Streams

B (WW2) Small streams

B (WW3) Intermittent w/ pools

B (LW) Lakes and wetlands

B (CW1) Cold water streams

B (CW2) Cold water headwaters

General Uses Applied to all waters

B(WW1)

“Waters in which temperature, flow and other ***habitat*** characteristics are suitable to ***maintain*** warm water ***game fish populations*** along with a ***resident aquatic community*** that includes a variety of native fish and invertebrate species. These waters generally include border rivers, ***large interior*** rivers, and the lower segments of medium-size tributary streams.” 567 IAC 61.3(1)

B(WW2)

“Waters in which flow or other ***physical characteristics*** are capable of supporting a ***resident aquatic community*** that includes a variety of native ***non-game fish*** and invertebrate species. The flow and other physical characteristics limit the maintenance of warm water ***game fish populations***. These waters generally consist of ***small*** perennially flowing streams.” 567 IAC 61.3(1)

B(WW3)

“Waters in which *flow persists* during periods when antecedent *soil moisture* and *ground water* discharge levels are *adequate*; however, aquatic habitat typically consists of *non-flowing pools during dry periods* of the year. These waters generally include small streams of *marginally perennial aquatic habitat* status. Such waters support a *limited* variety of native *fish and invertebrate* species that are adapted to survive in relatively *harsh aquatic conditions*.” 567 IAC 61.3 (1)

General Uses

“These are intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation and whose channels are normally above the water table. These waters do not support a viable aquatic community during low and do not maintain pooled conditions during periods of no flow.” 567 IAC 61.3(1)

B(WW1)

Resident aquatic
Community

Habitat to **maintain**
Game fish populations

Large Rivers

B(WW2)

Resident aquatic
community

Habitat **limits** game
fish populations

Small perennial
Streams

Use Attainability Analysis

“Use attainability analysis is a structure scientific assessment of the factors affecting the attainment of the sue which may include physical, chemical, biological, and economic factors as described in 131.10(g).” 40CFR131.3

131.10(g): UAA must demonstrate that attaining the designated use is not feasible because:

1. Naturally occurring pollutant, or
2. Natural, ephemeral, intermittent, or low flow conditions or water levels, or
3. Human caused conditions or sources of pollution that cannot be remedied or would cause more environmental damage to current than to leave in place, or
4. Dams, diversions, or other types of hydrologic modifications and it is not feasible to restore the water body, or
5. Physical conditions related to the natural features of the water body, such as lack of proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life uses, or
6. Applying controls beyond water quality based effluent limits and reasonable NPS controls would result in substantial and widespread economic and social impact.

The most commonly used would probably be #2 and #5.

Iowa UAA Process

1. Presumed Uses: B(WW1) and A1
2. Field Work:
 - ❖ Gather information on “natural...flow conditions or water levels...” and “physical conditions related to the natural features of the water body...”
 - ❖ Collect evidence of existing uses
3. Compare field data to use definitions
4. Draw conclusions on which uses are attainable based on data collected
5. Solicit public comment on draft UAA
6. Take designation change through rules process
7. Seek approval of standards change from EPA

Mary Gail Scott, Donna Buell, Francis Thicke and Jerry Peckumn all agreed that this use assessment seems to be the wrong approach.

Mary Gail said that she is concerned on process of finding the proper evidence or proof from a stream to determine what type of protection it should receive. There maybe many cases where “evidence” is not found, but the stream is in use. It still deserves high protection.

The questions is...What can the waterbody itself ever achieve what is attainable and not whether it's really going to be used for that. You're adding an element that isn't in the language of the rule.

Donna Buell said that there really shouldn't be very many streams that are not achievable.

Chuck Corell said that it's up to the Commission to decide if a stream is properly classified as achievable or not.

INFORMATION

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report

3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Attorney General Referrals Report

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/06 11/29/06 12/01/06
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred	6/19/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/06
Des Moines, City of; Metropolitan WW Reclamation Authority (5) NEW	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed Trial Date	7/18/06 11/29/06 12/28/06 11/06/06
Farmers Co-Operative Society Sioux Center (3)	Animal Feeding Operation	Discharge Limits; Prohibited Discharge – Confinement/Open Feedlot; Land Application Separation Distance; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	3/20/06
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed Consent Decree (\$538,000 civil penalty; injunction; facility-wide modeling)	2/21/06 7/17/06 7/17/06
Heisdorffer, Leland Keokuk Co. (6) NEW	Air Quality Solid Waste	DNR Defendant	Defense	Petition Filed (No original notice served) IDNR's Motion to Dismiss/Strike Hearing Date Trial Date	10/06/06 8/07/06 9/01/06 10/12/06

Kruse Dairy Farm, Inc. Dyersville (1)		Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)		Solid Waste	Operation Violations – Other	Permit Referred to Attorney General	Referred	4/17/06
Leigh, Marsha Glenwood (4)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/05 3/29/06 4/20/06 5/02/06 5/12/06 5/23/06 5/23/06 5/23/06 6/27/06 6/29/06 12/05/06 9/12/06 12/7/06
Miller, Robert Batavia (6)	NEW	Air Quality Solid Waste	Open Burning; Illegal Disposal			
Mobile World LC Camanche (6)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy Notice of Intent to Seek Default Appearance by Defendant Trial Date	8/16/05 4/08/06 4/13/06 4/13/06 6/17/06 3/03/06 3/08/06 11/19/06
Moellers, Kenneth Cresco (1)		Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred	2/20/06
Northeast Iowa Citizens for Clean Water (NICCW) UPDATED		Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary	8/29/05 9/25/05 10/21/05 10/21/05 11/05/05 11/14/05 12/22/05 1/29/06 2/04/06 3/01/06 4/08/06 4/20/06 4/28/06 5/11/06 6/08/06 2/25/06

				Judgment	
				Trial Date	2/27/06
				State's Brief in Resistance to Motion for Partial Summary Judgment	5/16/06
				Hearing on Motion for Partial Summary Judgment	6/02/06
				Ruling Granting Partial Summary Judgment	6/22/06
				Agriprocessor's Variance Application	11/04/06
				IDNR's Variance Approval	11/30/06
				EPC's Review of Variances	12/19/06
				Draft NPDES Permit Amendment	2/22/07
				Public Hearing Date	3/28/07
				Consent Decree	8/07/06
				NPDES Permit Amendment	8/07/06
				Dismissal With Prejudice	8/07/06
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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty	12/15/05 10/02/06 2/04/07 4/19/07 9/13/06 9/28/06 12/12/06 2/20/07 2/20/07 7/09/06 8/01/06 8/01/06 8/20/06 9/18/06 4/16/07 12/10/06 1/05/07
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Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred to Attorney General	Referred	4/17/06
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Pellett Chemical Co., Inc. Wiota (4)	Underground Tank	Failure to Submit Tier 2 Site Assessment	Referred to Attorney General	Referred	6/19/06
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Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	11/21/05
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Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/06 1/10/07

Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order	Referred Petition Filed Application for Default Order Granting Default Motion to Set Aside Default Order Setting Aside Default Trial Date	5/16/06 12/08/06 1/13/07 1/31/07 2/17/07 3/14/07 6/08/07
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date Trial Roquette's Request to Reopen Evidence IDNR Resistance to Reopening Evidence Roquette's Reply to Resistance IDNR Motion/Supp. Resistance Order Denying Roquette's Request to Reopen Evidence	8/28/06 9/11/06 9/11/06 9/11/06 9/29/06 9/30/06 1/14/07 1/06/07 10/24/06 6/29/06 6/29/06 4/24/06 4/24-2 5/25/06 6/02/07 6/19/06 6/21/06 7/05/06
Rose Bowl, The Mason City (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Referred to Attorney General	Referred	7/17/06
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	6/20/06 12/09/06 11/21/06 3/11/07 3/11/07 4/01/07 8/05/06 4/01/07 5/03/07 5/03/07 7/06/06 8/05/06 8/05/06 1/31/07
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/06 11/04/06
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment	12/06/06 1/10/07 3/07/07 5/17/07 2/27/07

Order Granting Continuance 3/20/06
Hearing on Summary Judgment 5/01/06
State's Supp. Reply to Plaintiff's 6/19/06
Resistance to Motion for Summary Judgment

Williams, Dean Stuart (2)	Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed Answer Filed Motion for Partial Summary Judgment	10/17/05 12/08/05 12/23/05 6/05/06
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Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period August 1, 2006 through August 28, 2006, 12 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '05	11(9)	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	7(7)	0.028	0.010	2	0(0)
January '06	10(6)	0.441	0.002	2	0(0)
February '06	6(9)	0.238	0.006	2	0(0)
March '06	12(9)	0.155	0.026	1	0(0)
April '06	12(14)	0.073	0.134	2	0(0)
May '06	11(18)	0.135	0.004	3	0(0)
June '06	9(7)	0.342	0.076	5	0(0)
July '06	9(5)	0.078	0.003	2	0(0)
August '06	12(13)	0.224	0.028	7	0(0)
September '05	3(5)	0.361	0.003	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	0	1	1	1	4

Contested Cases

Date Recv'd	Name of Case	F. O	Action Appealed	Program	Assigned to	Status
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4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorney unsuccessful attempt to contact AG Waste Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/02 Update on construction project requested from Dept. engineer. 1/30/04 – Status requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filter. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with schedule.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received uncontested portion. 12/03 – Dept. letter regarding settlement offer. 1/30/04 – Dept. letter regarding settlement. 2/24/04 & 3/31/04 Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Follow-up letter sent 4/17/06. Work through Brownsfields process.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 Facility upgrade completed. New NPI permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable corporation. Review options.

10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Proposed settlement terms.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Hearing continued to 1/07, preceded by briefing and discovery schedules.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Hearing continued to 1/07, preceded by briefing and discovery schedules.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Hearing continued to 1/07, preceded by briefing and discovery schedules.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	Hearing rescheduled for 6/30/06. Settled, hearing – awaiting final settlement documents.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	Hearing rescheduled for 9/13/06.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to claim being evaluated by Department.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed. Sent to DRF for collections 6/6/06.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Hearing continued to 11/06.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing. 5/31/06 – Letter regarding appeal sent to company. Follow-up letter to be sent.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settled. Case closed.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal

						and settlement. City made settlement offer regarding penalty. Offer rejected by D. City to provide further response by 5/05. response received. To be set for hearing 5/31/06 – Letter to City Attorney regarding appeal. Letter received from City Attorney regarding appeal.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Hearing held 8/21/06. Posthearing brief due September 20, 2006,
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – Inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek attorney requesting waiver of penalty in view of inspection. Letter to Honey Creek attorney rejecting request to waive penalty.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Hearing continued to 1/07, preceded by briefing and discovery schedules
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Settled. Waiting for signatures. Hearing postponed.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Settled. Waiting for signatures. Hearing postponed.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Hearing continued to 11/06.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Financial inability claimed. Bank foreclosure. Request inability to pay documentation. Discuss with bank.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Hearing held. Briefs due 9/15/06.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – inspection of plant.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Waiting to hear from producer.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Waiting to hear from producer.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	Hearing continued to 1/07, preceded by briefing and discovery schedules
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/07/06	Larry Bergen	2	Order/Penalty	AQ/SW	Schoenebaum	Entry of default judgment is now final.
3/23/06	Larry Krogman	3	Order/Penalty	AFO	Book	Waiting to hear from producer.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	Hearing held 8/21/06. Posthearing brief due September 20, 2006,
4/07/06	Alan Bakker	3	Order/Penalty	AFO	Book	ALJ affirmed decision and penalty.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
5/21/06	Good Connections, Inc.	5	Withdrawal of Redemption Approval Center	SW	Tack	Hearing set for 10/02/06.
6/21/06	David Carlisle	4	Order/Penalty	SW	Tack	Motion to compel discovery responses and motion to continue filed 8/28/06.
8/07/06	Mill Park Feedlot, Inc.	4	Order/Penalty	AFO	Book	New case. Waiting to hear from producer.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Waiting to hear from Cargill engineer. Meeting will be set.
8/15/06	Sheffield, City of	2	Design Standard	WW	Hansen	New case.
8/28/06	Winnebago Industries, Inc.	2	Title V Permit	AQ	Preziosi	New case.

DATE: September 1, 2006

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Northwestern Plastics, Ltd.; Industrial Service Corp., Burlington (6)	Air Quality Solid Waste	Open Burning; Disposal	Illegal Consent Order \$2,500	7/28/06
Mill Park Feedlot, Inc. Pottawattamie Co (4)	Animal Feeding Operation	Prohibited Discharge	Order/Penalty \$8,000	7/28/06
Whispering Pines Development Corp., Muscatine Co. (6)	Flood Plain	Construction Permit	Without Consent Order \$3,750	8/01/06
Helen Osweiler, Keokuk Co. (6)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$3,500	8/02/06
Lane Bachman Calhoun Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$3,500	8/10/06
Troy Van Beek, Lyon Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$3,500	8/10/06
Benton County Sanitary Landfill, Benton Co. (1)	Solid Waste	Illegal Disposal; License Discipline; Comprehensive Planning Violation	Consent Order \$6,000	8/24/06
Ted Dickey dba Dickey	Animal	Failure to Empty	Order/Penalty	8/24/06

September 2006

Environmental Protection Commission Minutes

Farms, Feeding Discontinued Facilities; \$8,000
 Muscatine Co. (6) Operation Open Burning; Illegal
 Air Quality Disposal
 Solid Waste

Fred Miller dba Air Quality Asbestos Consent 8/23/06
 Earthworks Amendment
 Contracting, Cherokee
 (3)

Iowa Department of Natural Resources
 Environmental Services Division

During the period August 1, 2006, through August 29, 2006, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot ment	Confine Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	0 (0)	1 (2)
November	8 (9)	0 (2)	1 (4)	3 (1)	4 (2)	6 (6)	2 (2)	0 (0)	0 (1)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)	0 (0)
January	3 (0)	0 (0)	2 (0)	1 (0)	0 (0)	1 (0)	2 (0)	0 (0)	0 (0)	0 (0)
February	2 (1)	0 (0)	1 (0)	0 (0)	1 (1)	1 (0)	1 (0)	0 (1)	0 (0)	0 (0)
March	2 (1)	1 (0)	1 (1)	0 (0)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)
April	6 (6)	0 (0)	2 (2)	2 (1)	2 (3)	6 (5)	0 (1)	0 (0)	0 (0)	1 (0)
May	6 (3)	0 (1)	3 (1)	3 (0)	0 (1)	5 (2)	1 (1)	0 (0)	0 (0)	0 (0)
June	2 (2)	0 (0)	0 (1)	0 (0)	2 (1)	2 (0)	0 (2)	0 (0)	0 (0)	0 (0)
July	5 (3)	2 (1)	0 (2)	1 (0)	2 (0)	3 (2)	2 (1)	0 (0)	0 (0)	0 (2)
August	2 (1)	0 (1)	1 (0)	0 (0)	1 (0)	2 (1)	0 (0)	0 (0)	0 (0)	0 (1)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	51 (43)	4 (5)	14 (19)	11 (8)	22 (11)	38 (31)	13 (10)	0 (1)	0 (1)	5 (7)

(numbers in parentheses for the same
 Total Number of Incidents Per Field Office this Period. period last year)

1 2 3 4 5 6
 0 0 0 0 2 0

IOWA DEPARTMENT OF NATURAL RESOURCES
 COMPLIANCE AND ENFORCEMENT BUREAU

DATE: September 1, 2006

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	Due Date
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	9,859	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/W	3,000	11-04-98
	W		
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	469	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,780	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/S	242	3-08-02
	W		
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	85	8-08-03

Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	2,113	12-15-03
Robert L. Nelson (Orient)	UT	657	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	614	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	3,634	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	8,500	12-29-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
* Paul Shimp & S & V Fence Co. (Eldridge) (\$950/SEP)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,500	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
Anamosa, City of	WW	4,500	3-17-06
#*Randy Hauan (Winnebago Co.)	AFO	1,092	4-03-06

Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Dennis Gailey (Moorland)	AQ/SW	700	5-01-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000	5-10-06
CRM Enterprises; Envirobrest, Inc. (Iowa City)	AQ	7,000	5-21-06
West Central Cooperative (Ralston)	WW	3,000	6-12-06
Point Builders LLC; Steve Crawford (Mason City)	WW	2,000	6-16-06
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	6-18-06
Rock Valley Rural Water System	WS	4,000	7-05-06
**John Kajewski (Cylinder)	AFO	750	7-01-06
**Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
* Curt Kline; Connie Kline (Dunlap)	AQ	2,000	8-01-06
**Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,200	8-01-06
**E & N Farms, Ltd. (Lyon Co.)	AFO	1,400	8-01-06
# Harvey Driesen (Sioux Co.)	AFO	3,000	8-13-06
Michael Drea (Woodbury Co.)	AQ	6,000	8-13-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,320	8-15-06
**Randy Gergen; R & D Farms (Sioux Co.)	AFO	2,250	8-15-06
**Dale Schumann (Buena Vista Co.)	AFO	3,500	9-01-06
**Rick Halma (Lyon Co.)	AFO	1,500	9-01-06
**Rick Nikkel (Jasper Co.)	AFO	1,500	9-01-06
* Crestview Mobile Home Park (Ames)	WW	3,250	9-01-06
* Country Terrace Mobile Home Park (Ames)	WW	1,570	9-01-06
**Galen Drent (Boyden)	AFO	2,340	9-01-06
**Greg Gerber (Lyon Co.)	AFO	750	9-15-06
* Midway Water & Lighting Co., Inc. (Marion)	WS	2,100	9-20-06
* John Danker (Lee Co.)	AQ/SW	4,024	9-22-06
* Wayne Staab (Plymouth Co.)	AQ	500	10-01-06
**Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
# Helen Osweiler (Keokuk Co.)	AFO	3,500	10-08-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
# Lane Bachman (Calhoun Co.)	AFO	3,500	10-21-06
**Paul Rehder (O'Brien Co.)	AFO	1,500	11-01-06
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
	TOTAL	491,601	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Jim Dos (Black Hawk Co.)	AFO	3,000
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070
Relative, Inc.; Doug Smuck (Des Moines)	UT	600

Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000
Randy Ballard (Fayette Co.)	FP	2,000
Edward Bodensteiner (Des Moines)	UT	3,200
Hofer's Danceland Ballroom (Walford)	WS	3,200
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000
#*Harold Unternahrer (Washington Co.)	AFO	700
Hofer's Danceland Ballroom (Walford)	WS	100
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800
Jim Walker (Johnson Co.)	AQ/SW	3,000
Iowa Millenium Investors, LLC (Sumner)	UT	4,000
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Plain Salvage Inc. (Sac City)	AQ/SW	10,000
Wisconsin North dba National Petroleum (Clinton)	UT	2,840
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Marvin Oberly (Burlington)	WW	1,300
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500
Richard Davis (Monroe Co.)	AQ	8,000
Honey Creek Campground (Crescent)	WS	1,000
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000
Mobile World LC (Camanche)	AQ/SW	10,000
Oran Pub & Grill (Fairbank)	WS	100
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000
Dave Paplow (Indianola)	AQ/SW	5,000
Meadow Mist Motel (Fayette Co.)	WS	500
Park View Motel (Oelwein)	WS	750
Plantation Village Mobile Home Park (Burlington)	WS	500
# Dean Pedersen (Pocahontas Co.)	AFO	450
	TOTAL	159,220

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dallas County Care Facility (Adel)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	10,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000

Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Roger Eblen; Eblen Develop.; (Whispering Woods–Council Bluffs) (10,000/each)	WW	20,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/W	10,000
	W	
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/W	10,000
	W	
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000

MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
Larry Bergen (Worth Co.)	AQ/SW	2,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# Larry Krogman (Lyon Co.)	AFO	3,000
# Alan Bakker (Sioux Co.)	AFO	6,000
David Carlisle (Ringgold Co.)	SW	3,500
# Mill Park Feedlot, Inc. (Pottawattamie Co.)	AFO	8,000
	TOTAL	418,987

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Midway Water & Lighting Co., Inc. (Marion)	WS	100
* Dennis Gailey (Moorland)	AQ/SW	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	6,000
Roquette America, Inc. (Keokuk)	WW	7,000
Rock Valley Rural Water System	WS	4,000
**Paul Rehder (O'Brien Co.)	AFO	375
**Rick Nikkel (Jasper Co.)	AFO	250
United States Gypsum Co. (Ft. Dodge)	AQ	10,000
**Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	200
**Dale Schumann (Buena Vista Co.)	AFO	500
* Crestview Mobile Home Park (Ames)	WW	250
* Country Terrace Mobile Home Park (Ames)	WW	110
* John Danker (Lee Co.)	AQ/SW	139
**Galen Drent (Boyden)	AFO	332
Ernest J. Smith; Smith Fertilizer & Grain (Knoxville)	AQ/SW	3,000
* Curt Kline; Connie Kline (Dunlap)	AQ	500
**Greg Gerber (Lyon Co.)	AFO	250
**Rick Halma (Lyon Co.)	AFO	300
Barilla America, Inc. (Ames)	AQ	9,000
	TOTAL	43,806

Proposal	Notice to Commish	Notice Published	Arc #	Rules Review Comm	Hearing	Comment Period	Final Summary to Commish	Rules Adopted	Rules Published	ARC#	Review Committee	Rule Effective
1. Ch. 11 – Tax Certification of Pollution Control or Recycling Property	9/19/06	*10/11/06		*11/09/06	*11/08/06	*11/08/06	*12/05/06	*12/05/06	*1/03/07		*2/06/07	*2/07/07
2. Ch. 20, 22, 31 and 33 – Air Quality Program Rules; PSD Rules	5/15/06	6/07/06	5154B	7/11/06	7/10/06	7/12/06	8/21/06	*8/21/06	*9/13/06		*10/10/06	*10/18/06
3. Ch. 43 – Water Supplies – Design and Operation – Construction Permit Fees	9/19/06	*10/11/06		*11/09/06	*11/01/06	*11/03/06	*12/05/06	*12/05/06	*1/03/07		*2/06/07	*2/07/06
4. Ch. 47 – Private Well Sampling, Rehabilitation and Closure							9/19/06	*9/19/06	*10/11/06		*11/09/07	*11/15/07
5. Ch 60, 62 and 63 – Effluent Pretreatment Standards							9/19/06	*9/19/06	*10/11/06		*11/09/07	*11/15/07
6. Ch. 64 – Fee Collection for Wastewater Permits	10/17/05	11/09/05	4652B	12/13/05	11/29, 30/05 12/01/05	12/02/05	6/19/06	7/28/06 6/19/06	*8/16/06 7/19/06	5244B	*9/05/06 8/08/06	*8/23/06 *8/23/06
7. Ch. 68 – Commercial Septic Tank Cleaners; Ch. 69 – Onsite Wastewater Treatment and Disposal Systems	3/20/06	4/12/06	5042B	5/09/06	5/3-4, 9, 10-11, 16/06	5/17/06	8/21/06	8/21/06	*9/13/06		*10/10/06	*10/18/06
8. 118 – Discarded Appliance Demanufacturing	8/21/06	*9/13/06		*10/10/06	*10/04/06	*10/04/06	*12/05/06	*12/05/06	*1/03/07		*2/06/07	*2/07/07
9. 215 – Mercury Switch Removal	8/21/06	*9/13/06		*10/10/06	*10/04/06	*10/04/06	*12/05/06	*12/05/06	*1/03/07		*2/06/07	*2/07/07

Iowa Department of Natural Resources
Environmental Services Division

During the period August 1, 2006, through August 29, 2006, 60 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Substance					Mode					
Month	Total	Agri-	Petroleum	Other	Transport	Fixed	Pipeline	Railroad	Fire	Other*

September 2006

Environmental Protection Commission Minutes

	Incidents	chemical	Products	Chemical s		Facility				
October	48 (52)	6 (2)	29 (29)	13 (21)	13 (17)	28 (27)	0 (2)	2 (2)	1 (0)	4 (4)
November	55 (68)	10 (14)	35 (33)	10 (20)	16 (21)	28 (34)	0 (1)	3 (2)	1 (0)	7 (10)
December	51 (58)	5 (8)	32 (34)	14 (16)	18 (19)	29 (29)	2 (3)	1 (2)	0 (0)	1 (5)
January	62 (58)	4 (6)	35 (36)	23 (16)	18 (20)	32 (28)	0 (1)	1 (1)	0 (1)	11 (7)
February	49 (46)	2 (4)	36 (25)	11 (17)	10 (12)	35 (24)	1 (4)	2 (2)	0 (1)	1 (3)
March	54 (70)	2 (11)	40 (43)	12 (16)	16 (25)	29 (33)	2 (1)	2 (1)	0 (3)	5 (7)
April	96 (102)	32 (35)	39 (46)	25 (21)	26 (32)	56 (51)	1 (2)	3 (3)	1 (3)	9 (11)
May	59 (60)	14 (20)	34 (29)	11 (11)	24 (23)	29 (29)	0 (1)	1 (3)	1 (0)	4 (4)
June	83 (88)	19 (12)	43 (56)	21 (20)	28 (22)	43 (52)	0 (2)	0 (6)	1 (1)	11 (5)
July	56 (70)	4 (7)	27 (37)	25 (26)	6 (23)	31 (33)	3 (2)	3 (4)	0 (0)	13 (8)
August	60 (71)	9 (11)	43 (46)	8 (14)	14 (21)	36 (42)	3 (2)	4 (2)	1 (1)	2 (3)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	673 (743)	107 (130)	393 (414)	173 (198)	189 (235)	376 (382)	12 (21)	22 (28)	6 (10)	68 (67)

Total Number of Incidents Per Field Office this Period.

(numbers in parentheses for same period last year) *Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
5	10	5	7	23	10

GENERAL DISCUSSION

Wayne Gieselman gave options for the November EPC meeting in Fort Dodge. The tour will include the wind turbine farms and an energy efficient house.

November 13th (tour) and 14th (meeting)

----or----

November 15th (tour) and 16th (meeting)

An e-mail will be sent to request and confirm dates and times.

There will be no meeting in October.

NEXT MEETING DATES

November ??, 2006

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Jerry Peckumn adjourned the meeting at 7:00 p.m., Tuesday, September 19, 2006.

Jeffrey R. Vonk, Director

Jerry Peckumn, Chair

Lisa Davis Cook, Secretary

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